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Convention on the Elimination of All Forms of Discrimination against Women

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27 March 1998

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Seventeenth session

SUMMARY RECORD OF THE 358th MEETING

Held at Headquarters, New York,
on Wednesday, 23 July 1997, at 3 p.m.

Chairperson: Ms. ABAKA
(Vice-Chairperson)

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Combined third and fourth periodic reports of Bangladesh (continued)

This record is subject to correction.

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Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

080698

97-81759 (E)

In the absence of Ms. Khan, Ms. Abaka (Vice-Chairperson) took the Chair.

The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Combined third and fourth periodic reports of Bangladesh (CEDAW/C/BGD/3-4) (continued)

1. At the invitation of the Chairperson, Mr. Ahmed, Ms. Chowdhury and Mr. Pasha (Bangladesh) took places at the Committee table.

2. Ms. BERNARD said that she heartily welcomed the withdrawal by Bangladesh of its reservations to articles 13 and 16, paragraph 1 (f), of the Convention and hoped that in due course it would be able to withdraw its remaining reservations.

3. She commended the Government of Bangladesh for the strides it had made in improving the status of women and welcomed the translation of the Convention and the Beijing Platform for Action into Bangla. She was pleased that machinery had been established to facilitate women's access to the police.

4. With regard to article 6, she would appreciate statistics on the number of prostitutes and wished to know whether prostitution was viewed mainly as an economic problem rather than as a social problem, whether all prostitutes were destitute and whether it was planned to conduct a survey to ascertain the depth of the problem with a view to taking remedial action.

5. As to article 7, she asked whether the women occupying the posts of Prime Minister and leader of the opposition had been active in politics before their election and whether they had held ministerial posts prior to entering politics. She also wished to know whether the number of women magistrates and judges had increased since 1994 and whether there were any women on the Supreme Court bench.

6. Turning to article 15, she said she believed that the information provided concerning the Government's Legal Aid Fund suggested that its value was limited. She wished to know whether there were similar funds operated by private organizations for the benefit of women and, if so, whether women were aware of their existence. The fact that births and marriages were not required to be registered could create serious problems, and she wished to know whether the population was being sensitized to the importance of such registration.

7. Ms. ACAR commended the Government of Bangladesh for its significant efforts to empower women and combat discrimination against them.

8. She welcomed the fact that the principle of equality in public life was enshrined in the Constitution; however, such equality must prevail in the private sphere as well.

9. Although Bangladesh had begun to revise personal laws in order to improve the status of women in the public and private spheres, those laws were based on religion and often reinforced inequality and stereotypical roles. The vigour with which a government enforced existing laws promoting equality and prosecuted actions which ran counter to its international commitments or its own progressive laws was of the utmost importance, particularly in Muslim countries, where a lack of adequate resources and the potential threat by fundamentalists or other groups to invoke religion as a guise for perpetuating patriarchal traditions and preventing gender equality were ever-present. She fully appreciated the tremendous social and cultural obstacles that had to be overcome in that regard. She congratulated the State party for having withdrawn two of its reservations to the Convention and hoped that its example would be followed by other Muslim countries which had entered similar reservations.

10. She had been disturbed to learn that no steps had been taken to enable the Supreme Court to determine whether any provisions of the personal laws conflicted with the equality provisions of the Constitution. That was of particular concern since the report acknowledged the non-egalitarian nature of those laws in principle. She wished to know what entity could bring such matters before the Supreme Court and whether the Government planned to challenge the inequality of personal laws before the Court.

11. With respect to article 8, she wished to know whether there were any women on the Law Reform Commission. She also inquired whether any government policies existed to sensitize legal professionals and the judiciary regarding gender equality issues.

12. Ms. CARTWRIGHT welcomed the improvements in the status of women in Bangladesh since consideration by the Committee of the State party's preceding report. She also welcomed the withdrawal by Bangladesh of its reservations to articles 13 and 16, paragraph 1 (f), and said she hoped that other countries which had registered similar reservations would do likewise. She urged the Government of Bangladesh to give very early consideration to withdrawing its reservation to article 2 of the Convention, which was incompatible with the object and purpose of the Convention.

13. With regard to article 16, she noted that under the Constitution of Bangladesh women were promised equality with men. Although she fully acknowledged the difficulties involved in changing social attitudes, it was important to revise the personal laws to enable women to enjoy the same rights as men. She urged the Government to continue its admirable efforts, consider withdrawing its remaining reservation to article 16 and give full compliance to the Committee's general recommendation No. 21, which stipulated that women should have the same rights to inherit as men and should not be subjected to polygamous marriages.

14. Ms. CORTI welcomed the withdrawal by Bangladesh of its reservations to articles 13 and 16, paragraph 1 (f), and hoped that it would withdraw its remaining reservations - particularly to article 2 - as soon as possible.

15. The primary obstacles to equality for women in Bangladesh were poverty, tradition and religion, and she noted that the deeply rooted preference for sons was a particularly serious one.

16. She wished to know what the Government planned to do to increase its expenditure on health care and improve its health care policy. Enhanced reproductive and general health care services were particularly crucial for women in rural areas.

17. Turning to article 7, she expressed the hope that the fact that women occupied the posts of Prime Minister and leader of the opposition did not represent mere tokenism regarding women's participation in public life. She wished to know whether Bangladeshi women belonging to non-governmental organizations were interested in such participation.

18. The progress already made towards improving the status of women in Bangladesh augured well for further progress in that area.

19. Ms. JAVATE DE DIOS welcomed the removal of the reservations to articles 13 and 16, paragraph 1 (f) and expressed the hope that the remaining reservations would be lifted in due course and that other countries would follow Bangladesh's lead. She paid a tribute to non-governmental organizations in Bangladesh for their tireless efforts to improve the status of women in that country.

20. She was pleased to note that the gender perspective had been incorporated in the Fifth Five-Year Plan, that a national policy on women's advancement had been established, and that the Convention had been disseminated in the local language. She also appreciated the frankness with which the Government had acknowledged the difficulties it faced as it strove to enhance the status of women.

21. With regard to article 4, she wished to know whether an assessment of affirmative action measures was envisaged and, in particular, whether the system of reserved seats for women in Parliament would be expanded and extended beyond 1999. She also asked what measures the Government was taking to recruit women actively for reserved seats in the public sector.

22. As to article 5, she wished to know whether it was planned to analyse the factors underlying the very disturbing increase in violence against women and what was being done to stop particularly violent incidents, such as acid-throwing. The Government had presented minimal data concerning trafficking in women compared with the magnitude of the problem recorded by non-governmental organizations. She wished to know whether the high number of suicides among women reported were actually suicides or whether they were in reality homicides. She looked forward to learning what specific steps the Government was undertaking to honour its commitment to combat trafficking in women.

23. Turning to article 11, she said that she would appreciate further details about the Government's policy regarding women migrant workers. She wondered whether a Government mechanism existed to monitor their recruitment and their situation once they had settled abroad. Future reports should include data on such workers, including information on crisis interventions programmes for their protection. Lastly, she inquired whether the Government was pursuing any bilateral or multilateral measures to protect them.

24. Ms. OUEDRAOGO said she was concerned that there might be duplication of effort and a lack of coordination between the various committees and institutional networks involved in the different aspects of discrimination against women in Bangladesh. A single ministry, the Ministry for Women and Children's Affairs, should coordinate all related actions. She congratulated the Government on the regular follow-up to and evaluation of actions under the Convention.

25. Referring to stereotyping, under article 5, she noted the measures which had been taken and said that they should be stepped up.

26. She was surprised that dowry payments were described as a recent phenomenon and also as increasingly widespread. It would be interesting to have further information about the practice, which was generally believed to be a deep-rooted traditional custom. The problem should be studied, and measures should be taken to combat it.

27. With regard to article 14, she said that the issue of rural women should be given priority. She would appreciate information on whether rural women had the right to own land; with the growing urbanization of society, it was the men who usually migrated to the towns or who went abroad to find work, leaving women in charge of the land. In Bangladesh, advocacy campaigns should target rural areas and rural women should be encouraged to participate much more fully in development activities. Furthermore, childcare facilities should be improved in rural areas.

28. The next report should provide comparative statistics, so as to enable the Committee to assess the results of the action taken and see how the situation was evolving.

29. Ms. FERRER, expressing appreciation for the Government's frank report, noted that it had been prepared on the basis of extensive consultations with non-governmental organizations.

30. The legal and social status of women in Bangladesh was very inferior to that of men, and the extreme poverty of the country impeded the advancement of women. Action should be taken to eliminate poverty, especially for women, as a matter of urgency.

31. The amount of violence against women was alarming; much more action must be taken to combat it. Despite some gains made under the Fourth Five-Year Plan, there were still grounds for great concern.

32. Programmes were needed to counteract stereotypes and widespread traditional and cultural patterns. Furthermore, there should be a permanent education campaign targeting all sectors of the population, but especially public authorities, the police and members of the legal profession. Furthermore, steps must be taken to ensure compliance with existing legislation.

33. Future reports should contain comparative statistics, to show how the situation was evolving.

34. As to article 11, it would be useful to learn what action the Government proposed to take to improve women's education and employment opportunities; currently, women's low level of education meant that they were at a considerable disadvantage in the job market. She asked whether there were measures to protect women working in the informal sector, and whether resources could be made available for day-care facilities for women working in that sector. She also wished to know whether there were training programmes for women who worked in the civil service, to enable them to move into well-paid jobs.

35. She would also appreciate information on women heads of households, since they represented from 8 to 30 per cent of households, according to the report. Such women required priority attention, in view of the importance of their family role.

36. The report mentioned that the International Labour Organization and the United Nations Children's Fund were working with the Government in an endeavour to deal with the problem of child labour. According to the reports of the non-governmental organizations, there had been an increase in trafficking in women and children in order to exploit them in the workplace; that was a problem which needed urgent attention.

37. Ms. GONZALEZ said that it was important to note that there was no plan to reform personal laws, despite the fact that in some cases they were totally contrary to the Convention.

38. Referring to article 14, she noted that the Grameen Bank was the only bank providing microcredit which granted credit to rural women without their husband's previous authorization; she urged other banks to follow suit. Additional information on the Government's plans to provide rural women with specific education, health care and training for production activities would be useful.

39. It was unclear how a decrease in the birth rate could have been reported; according to the report, births were not registered.

40. With reference to article 7, she asked whether the 30 seats reserved for women in Parliament had the same importance and carried the same rights as the other 300 directly elected seats. She hoped that by 1999 women would be able to participate in public life on a more equal footing with men.

41. In relation to article 5, she said she was extremely concerned about the steady increase in violence against women and suicides by women. Fatwas and punishments ordered against rural women on religious grounds by unauthorized

community courts should be included in the category of violence against women. The Government must continue to combat all forms of violence; United Nations agencies and other international organizations could provide considerable assistance in that connection.

42. Ms. CASTILLO said that the Government should devote special attention to rural women. The incidence of violence against women was extremely alarming; she wondered whether the high number of suicides was the result of violence. She was also very concerned about stereotyping, traditional religious practices which discriminated against women, poverty and the increase in trafficking in women and children. Legislation was in place to combat those problems, but it needed to be enforced.

43. The Government could come to the aid of rural women by fostering conditions which allowed them to improve their economic situation. It would be useful to know how globalization of the economy had affected rural women, and whether they were able to market their products.

44. Ms. BARE said she wished to know what measures were being considered to reduce gender gaps in education, particularly with regard to girls in rural areas. She asked whether the Government of Bangladesh was contemplating any measures to provide vocational training and counselling to female students. Women working in export-oriented industries were exposed to hazardous working conditions and suffered from poor health. With the modernization of those industries, many of those women were losing their jobs, and she inquired whether any measures were being considered to enhance their technical skills in order to enable them to keep their jobs, and whether women in export-oriented industries had considered forming unions in order to protect their rights and bargain for better conditions.

45. She had noted that, in families where women benefited from microcredit, male spouses all too often tended to shirk their responsibility to look after family needs and share in childrearing. In that connection, she wished to know how the Grameen Bank loans had promoted the transformation of gender roles both in the family and in the community.

46. The implementation of the National Policy on Women's Advancement would have a far-reaching impact on the attainment of gender equality in Bangladesh. However, the Fifth Five-Year Plan (1997-2002), which outlined a comprehensive set of measures to implement the National Policy, seemed to place too much emphasis on women in development and not enough on gender-mainstreaming. Equality of men and women in Bangladesh could be achieved only within the framework of a vision of gender and development that addressed the practical needs of women.

47. Ms. AOUIJ said that it was necessary to separate Islamic teachings from social taboos that had been strengthened by the traditions of a patriarchal society and centuries of decadence and obscurantism. At the time of its revelation, Islam had helped liberate women and restore their dignity. Islam had not invented polygamy but had merely sought to regulate a phenomenon that had long existed in many cultures. Tunisia, which interpreted Koranic law in

accordance with its spirit rather than dogmatically, had abolished polygamy in 1956.

48. Koranic law left room for common sense and could help promote equality of men and women, particularly in the area of personal status and family law. On the eve of the twenty-first century, developing countries like Bangladesh would need to mobilize all their human resources, especially women, in order to overcome poverty, ignorance and disease. Muslim countries must respond to the challenges of the modern world by adopting new laws based on the true spirit of the Koran, since that would enable them to participate in the historic movement towards progress and democracy. She therefore considered that Bangladesh should make greater efforts to bring its laws and culture into line with the provisions of the Convention.

49. She commended Bangladesh's partnership with non-governmental organizations, which were in a position to assist it in implementing its integrated programmes and policies for the advancement of women.

50. Mr. AHMED (Bangladesh) said that there were no women on the Law Commission because that body had been established only very recently; the Government would consider appointing a suitable women to that Commission. While there was no legal restriction prohibiting the appointment of women judges to the Supreme Court, suitable female candidates had not yet been found.

51. The Government of Bangladesh acknowledged that article 2 of the Convention was of fundamental importance and it had not refused to withdraw its reservation. It would review the various paragraphs of the article in order to determine whether there were any conflicts with Islamic law. The Government also intended to examine article 16, paragraph 1 (c) very closely with a view to removing its reservation.

52. There had been no litigation challenging the provisions of Islamic law concerning inheritance because the Muslim population of Bangladesh was deeply committed to the Koran and found it difficult to challenge one of its provisions by invoking article 27 of the Constitution. With the exception of the Islamic law of inheritance, women enjoyed the same rights as men with respect to property.

53. Polygamy had become extremely rare in Bangladesh and had declined not only among the educated urban population but also in rural areas. Although the Koran permitted polygamous marriages, it did not encourage them.

54. While the Government's legal aid programme was not very effective, there were very effective private legal aid societies in Bangladesh that provided assistance to women. Moreover, the legal aid movement in Bangladesh was growing.

55. Although television was not often used to inform the population about human rights, particularly women's human rights, people went out to the villages to explain those rights to the local population.

56. Mr. PASHA (Bangladesh) said that education was provided tuition-free for girls and boys at the elementary level, with food supplements for poor children. Several projects provided conditional tuition assistance and stipends for girls at the secondary level, at which girls currently constituted 48 per cent of the overall student population.

57. The Government was aware of the problem of prostitution and had instituted a number of programmes to rehabilitate prostitutes.

58. While births were not uniformly registered, the Government supported its claims that the birth rate had been reduced to 1.8 per cent or less with decennial census figures and population sampling surveys.

59. With regard to women's participation in political life, he said that the current Parliament had 30 women members; they regularly raised women's issues, and those issues were more widely covered in the news media as a result.

60. Not all Bangladeshis emigrating legally to work were male, and the Government was aware of instances of harassment and kidnapping of female overseas labourers. Legal migrants were routinely informed of such risks, but the Government was powerless to warn those who chose to emigrate clandestinely.

61. The Government had also instituted a multisectoral programme to combat violence against women, which included gender sensitization of the lawyers, police and other officials who dealt with the problem.

62. Ms. CHOWDHURY (Bangladesh) said that positively transforming women's roles without adding to their burdens could best be accomplished by increasing their incomes and economic empowerment.

63. Rural women in Bangladesh had been affected by the pressure of global trade liberalization on traditional informal trades, but that pressure had been mitigated to some extent by rural employment programmes and Government emphasis on local-level marketing of rural products.

64. The Government had set up six day-care centres to support women seeking employment, and was planning to set up others in urban areas with the assistance of non-governmental organizations.

65. The Government was also formulating a comprehensive strategy to address the problem of trafficking in women and children.

66. The question of retaining or increasing the number of seats reserved in Parliament for women was under discussion. Currently, both directly and indirectly elected members had the same voting rights. The current Prime Minister and the current leader of the opposition were both women, but could in no way be described as tokens or figureheads, as they had worked their way up to positions of genuine power within their political organizations.

67. The Government also reccgnized the inadequacy of its data gathering with regard to violence against women, and was currently investigating methods of improving its ability to combat the problem.

68. The CHAIRPERSON thanked the delegation of Bangladesh for its frank and detailed report, and noted that with many women being pushed into the informal labour sector by privatization pressures, the Government had an obligation to provide a social safety net for them through social security and labour and insurance legislation.

The meeting rose at 5.40 p.m.

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Convention on the Elimination of All Forms of Discrimination against Women

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27 March 1998

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Seventeenth session

SUMMARY RECORD OF THE 359th MEETING

Held at Headquarters, New York,
on Friday, 25 July 1997, at 4.30 p.m.

Chairperson: Ms. KHAN

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CLOSURE OF THE SESSION

This record is subject to correction.

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The meeting was called to order at 4.40 p.m.

IMPLEMENTATION OF ARTICLE 21 OF THE CONVENTION (continued)

Report of Working Group II (CEDAW/C/1997/II/WG.II/WP.1)

1. Document CEDAW/C/1997/II/WG.II/WP.1, as amended, was adopted.

WAYS AND MEANS OF EXPEDITING THE WORK OF THE COMMITTEE (continued)

Report of Working Group I (CEDAW/C/1997/II/WG.I/WP.1)

2. Document CEDAW/C/1997/II/WG.I/WP.1, as amended, was adopted.

PROVISIONAL AGENDA FOR THE EIGHTEENTH SESSION

3. Ms. CONNORS (Deputy Director of the Division for the Advancement of Women) read out the provisional agenda for the Committee's eighteenth session.

4. The provisional agenda for the eighteenth session was adopted.

ADOPTION OF THE REPORT OF THE COMMITTEE ON ITS SEVENTEENTH SESSION (CEDAW/C/1997/II/L.1 and Add.1-10)

5. Ms. JAVATE DE DIOS, Rapporteur, introduced the Committee's report.

CEDAW/C/1997/II/L.1 and Add.1

6. Documents CEDAW/C/1997/II/L.1 and Add.1 were adopted.

CEDAW/C/1997/II/L.1/Add.2-10

7. Documents CEDAW/C/1997/II/L.1/Add.2-10, as amended, were adopted.

8. The report of the Committee as a whole was adopted.

STATEMENT BY THE SPECIAL ADVISER ON GENDER ISSUES AND ADVANCEMENT OF WOMEN

9. Ms. KING (Assistant Secretary-General, Special Adviser on Gender Issues and Advancement of Women) said that the current session marked the first occasion on which the Committee had been able to meet for a second annual session. Considerable progress had been made in reducing the backlog of reports awaiting review, even though many of the reports were complex and additional information had been received close to or during the session. The Committee had also made considerable progress in streamlining its working methods to allow for a more concentrated approach and the timely dispatch of documentation to the Office of Conference and Support Services.

10. The Committee had also adopted a revolutionary approach with respect to non-governmental organizations and their contribution to its work. Two informal

meetings had been held to enable non-governmental organizations to brief the Committee on the situation in countries which had presented reports during the current session. A procedure had also been introduced under which non-governmental organizations were able to provide the Committee with specialized information that could be helpful in the elaboration of its general recommendations. The Committee's openness to non-governmental organizations and civil society signalled a commendably transparent approach which was likely to heighten knowledge of the Convention and strengthen its implementation in States parties throughout the world. The input of non-governmental organizations should also allow the Committee to formulate a practical and concrete general recommendation on article 21 concerning women's right to health.

11. She wished to reaffirm her commitment and that of her colleagues to supporting the Committee in its work. In that connection, one of the priorities of the plan of work of the Division for the Advancement of Women and the Centre for Human Rights was the mainstreaming of gender into the work of the treaty regime, a task in which the Committee had a central role to play. The Committee's views on the report of the independent expert, Professor Philip Alston, should also make an important contribution to the discussion of the report.

12. The Division had put in place a system for keeping the Chairperson apprised of new developments and matters of interest to the Committee. At the Chairperson's suggestion, it would pursue the matter of overdue initial and subsequent reports of States parties with a view to meeting the target for the year 2000 set at the Fourth World Conference on Women. The Division also maintained a Web site on the Internet and an electronic mail system. The Committee's Web site was linked to the Web site of the Centre for Human Rights in order to expedite access by users to information on the human rights treaty regime as a whole.

CLOSURE OF THE SESSION

13. After an exchange of courtesies, the CHAIRPERSON declared the session closed.

The meeting rose at 6.20 p.m.

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Eighteenth session

SUMMARY RECORD OF THE FIRST PART* (PUBLIC) OF THE 360th MEETING

Held at Headquarters, New York,
on Monday, 19 January 1998, at 10 a.m.

Chairperson: Ms. KHAN

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ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK

REPORT OF THE CHAIRPERSON ON ACTIVITIES UNDERTAKEN BETWEEN THE SEVENTEENTH AND EIGHTEENTH SESSIONS OF THE COMMITTEE

* The summary record of the second part (closed) of the meeting appears as document CEDAW/C/SR.360/Add.1.

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98-80559 (E)

The meeting was called to order at 10.45 a.m.

OPENING OF THE SESSION

1. The CHAIRPERSON declared open the eighteenth session of the Committee on the Elimination of Discrimination against Women (CEDAW).

2. Ms. KING (Assistant Secretary-General, Special Adviser to the Secretary-General on Gender Issues and Advancement of Women) said that the progress achieved since the entry into force of the Convention on the Elimination of All Forms of Discrimination against Women should not be cause for complacency. The Convention remained plagued by a large number of reservations. In some States parties, ratification had not brought about changes in policies and legislation, while in others implementation was impeded by entrenched attitudes that were contrary to the principles of the Convention. The Committee's work was crucial to bridging the gap between ratification and implementation of the Convention and to deepening international understanding of the obligations it entailed.

3. On a number of occasions, the Committee had stressed the need for closer cooperation with the Special Rapporteur on violence against women. Unfortunately, the Special Rapporteur on violence against women was unable to attend the Committee's current session; however, the Special Rapporteur on religious intolerance and the United Nations High Commissioner for Human Rights would address the Committee later in the session. The meeting with the High Commissioner should provide an opportunity for the Committee to forge closer ties with the Office of the High Commissioner and to discuss the contribution of the Committee to the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights.

4. Since the Committee's previous session, a number of important developments had taken place in the United Nations. The Secretary-General's reform proposals had been largely accepted by Member States, and she hoped that the reorganization of the Division for the Advancement of Women would help to strengthen its support for the work of the Committee and the promotion of the Convention. As part of the preparations for the forty-second session of the Commission on the Status of Women, the Division had convened three expert group meetings in the second half of 1997. The first meeting, held in October in Addis Ababa, had dealt with adolescent girls and their rights; the second, held in November at York University, Toronto, Canada, had dealt with gender-based persecution; and the third, held in December at Åbo Academy, Turku, Finland, had considered women's enjoyment of economic and social rights. The Division had also co-hosted a fourth expert group meeting in Malta on the gender dimension of caring for older persons.

5. As Special Adviser to the Secretary-General on Gender Issues and Advancement of Women, she had taken part in a number of activities related to the Committee's work. In October 1997, she had participated in a round table on crimes of sexual violence, which had been held in Arusha at the International Tribunal for Rwanda. Sexual violence was increasingly a part of civil strife and armed conflict and, in some cases, a central strategy of war. She had therefore been pleased to see the prominent condemnation of sexual violence as a

war crime and its reflection in indictments relating to the former Yugoslavia. Although indictments for acts of sexual violence had been uncommon in the case of the International Tribunal for Rwanda, recent developments suggested that they would become a routine feature of most future indictments as the central role of rape and other sexual assaults in the genocide was acknowledged.

6. Women had been closely following the work of the ad hoc tribunals and in recent years had been documenting and raising awareness of violence against women as an abuse of fundamental human rights and, when perpetrated in times of war, as a war crime. They had also been demanding sensitive and empowering gender justice and the accountability of perpetrators for their atrocities. While much progress had been made, much remained to be done.

7. Members of the Committee were no doubt aware of the situation of women in Afghanistan. Although it was not a State party, Afghanistan had signed the Convention and was thereby obliged to refrain from any action that contravened its provisions. In November 1997, she had headed a United Nations gender mission to Afghanistan with the objective of reaching agreement on a concrete set of programmatic, field-oriented guidelines for addressing gender concerns in programme implementation, which should be observed by all United Nations agencies, the donor community and non-governmental organizations working in Afghanistan.

8. Women in other parts of the world, including Algeria, Burundi and Rwanda, were also at risk, and it was the role of the Committee, supported by the Division for the Advancement of Women, to devise strategies to assist women in desperate need of aid. She was confident that the dedication of Committee members and their capacity for hard work would allow the Committee to formulate imaginative proposals in that regard.

ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK (CEDAW/C/1998/I/1 and Corr.1)

9. The agenda was adopted.

REPORT OF THE CHAIRPERSON ON ACTIVITIES UNDERTAKEN BETWEEN THE SEVENTEENTH AND EIGHTEENTH SESSIONS OF THE COMMITTEE

10. The CHAIRPERSON said that she had been invited by the Office of the High Commissioner for Human Rights to participate as a resource person in the Asia-Pacific meeting on universal adherence to the principal international human rights instruments, which had been held in Amman in September 1997. The objective of the meeting had been to bring together government experts from States that had not submitted instruments of ratification, accession or succession to a number of principal human rights instruments. The meeting had provided an opportunity to discuss all aspects of the Committee's work, including the reporting and implementation obligations of States parties and, in particular, the issue of reservations and its implications for respect for human rights. Useful interaction had been initiated with the 17 participating countries that had not ratified the Convention, with a view to identifying obstacles to ratification and developing strategies to overcome them. Many of those countries had expressed their intention to take up the matter with their

respective Governments. Countries whose initial and subsequent reports were overdue had been offered help in preparing their reports.

11. She had attended the eighth meeting of persons chairing the human rights treaty bodies, held in Geneva in September 1997, where she had presented a brief review of recent developments relating to the Committee's work, including the results of its seventeenth session. The meeting had focused primarily on issues of reform, developments relating to the work of the treaty bodies and a report prepared by the independent expert on enhancing the long-term effectiveness of the United Nations human rights treaty system. A number of issued raised in the independent expert's report, particularly those relating to the consolidation of treaty bodies and proposals for reform of the reporting system, had been discussed at length. The general view of the chairpersons had been that a merger of the six human rights treaty bodies into a single committee was neither practicable nor desirable. The chairpersons agreed, however, that the establishment of additional treaty bodies should be avoided.

12. With regard to the proposals for reforming the reporting system, concern had been expressed that, in the absence of appropriate reforms tailored to the needs of each Committee, the examination of reports might become a mere ritual without providing any effective means of protecting the human rights of individuals. While the chairpersons had recognized the problem of overdue reports, no consensus had been reached on the proposal to consolidate them into a single report covering all six human rights treaties. With respect to periodic reports, the chairpersons were of the view that, in order to reduce the need for very lengthy reports, each committee should seek ways to focus reports on a limited range of issues that were pertinent to the reporting State. The chairpersons therefore decided to request their respective committees to examine the feasibility of adopting an approach along those lines.

13. On the issue of the independence of experts, the chairpersons had recommended that, in order to ensure impartiality, members of treaty bodies should refrain from participating in any aspect of consideration of their country reports. The chairpersons had further recommended that members should encourage their respective Governments to refrain from nominating for election to treaty bodies persons who performed political or other functions that might be incompatible with the obligations of independent experts. The chairpersons had also discussed the convening of a seminar on gender perspective in order to promote its full integration into the activities of treaty bodies. Finally, the chairpersons had requested the General Assembly to organize, on an exceptional basis, a three-day meeting of chairpersons at the end of February 1998 to enable them to continue their follow-up to the work being done by the treaty bodies in the area of reform.

14. She had attended a seminar on social progress, held in Copenhagen from 3 to 5 October 1997 as a follow-up to the World Summit for Social Development. The objective of the seminar had been to determine the relationship between the phenomenon of globalization and social conditions in the world with a view to creating opportunities for disadvantaged groups. The paper that she had presented had focused on exploitation in the informal sector, where the vast majority of female labour was employed in developing economies, and the need for graduation from the informal to the formal sector.

15. From 14 to 16 October 1997, she had attended a regional workshop in Beirut that had been organized by the Middle East regional office of the United Nations Children's Fund (UNICEF). The objective of the workshop had been to incorporate the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women into the curriculum of law schools in Egypt, Jordan, Lebanon, Morocco, the Sudan and Tunisia. The workshop had examined the concept of women's and children's rights in the Arab world and the link between the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women. On behalf of the Committee, she had appealed to the five Arab States that had not yet done so to ratify the Convention on the Elimination of All Forms of Discrimination against Women.

16. As Chairperson of the Committee, she had participated in the Third Committee's consideration of its agenda item on the advancement of women at the fifty-second session of the General Assembly. In her statement to the Third Committee, she had highlighted the progress made by the Committee at its sixteenth and seventeenth sessions and had appealed to States Parties to accept the amendment to article 20, paragraph 1, of the Convention, work towards the universal ratification of the Convention and limit the extent of reservations.

17. At its seventeenth session, the Committee had decided to prepare a general recommendation on article 12 of the Convention. The revised draft of that text incorporated comments made by Committee members and non-governmental organizations. On 15 and 16 November 1997, the Commonwealth Medical Association had convened a round table in London, preceded by a day of dialogue with non-governmental organizations involved in health and reproductive rights, to ensure that the draft general recommendation was sound and could be implemented.

18. In October 1997, she had received a letter from the High Commissioner for Human Rights expressing concern about the situation in Algeria and requesting a summary of recent information on the subject and suggestions for future action. She had informed the High Commissioner that Algeria, which had been a party to the Convention since 1996, had not yet submitted its initial report, and the Committee had no information on the human rights situation in that country. She had suggested that the High Commissioner should consider appointing a special rapporteur on the situation of human rights in Algeria. In November 1997, she had received a letter from Amnesty International containing a copy of a joint appeal issued by a number of organizations that called for the convening of a special session of the Commission on Human Rights on the question, and she had confirmed the Committee's support for that proposal.

19. Although 161 countries had ratified the Convention on the Elimination of All Forms of Discrimination against Women, the level of implementation of the Convention by States parties and the number of overdue reports were cause for concern, and the Committee should consider ways of improving its methods of work.

The meeting was suspended at 11.30 a.m. and resumed at 12.45 p.m.

20. Ms. TIMOTHY (Division for the Advancement of Women), introducing agenda item 5, said that article 21 of the Convention provided that the Committee could

make suggestions and general recommendations based on the examination of reports and information received from States parties and that such suggestions and general recommendations should be included in the report of the Committee together with comments, if any, from States parties. At its tenth session, the Committee had decided to invite representatives of the specialized agencies and other United Nations bodies to present information related to specific articles of the Convention or issues being considered for general recommendations and suggestions. The Committee had also decided to select and review specific articles and other issues to be considered at subsequent sessions as a long-term programme, without prejudice to any changes that might be necessary as a result of new developments and priorities arising from the review of States parties' reports.

21. At its seventeenth session, the Committee had decided to prepare a general recommendation on article 12 of the Convention. The Committee had also agreed on a new three-stage method of work with regard to the formulation of general recommendations. The first stage would consist of an exchange of views with representatives of the specialized agencies and other bodies of the United Nations and interested non-governmental organizations. The second stage would involve preparation of an initial draft of the general recommendation by a member of the Committee. The draft would be discussed by Working Group II, which could invite resource persons and non-governmental organizations to take part in the discussions. The final stage would entail the adoption of a revised draft by the Committee at its following session.

22. Under article 22 of the Convention, specialized agencies were entitled to be represented at the consideration of the implementation of such provisions of the Convention as fell within the scope of their activities, and the Committee could also invite the specialized agencies to submit reports on the implementation of the Convention in those areas. The pre-session working group had invited representatives of specialized agencies and other United Nations bodies to attend its meetings in order to provide information on implementation of the Convention in States parties whose reports the Committee would consider at its current session. As in the past, representatives of specialized agencies had also been invited to address the Committee as a whole.

23. At its seventeenth session, the Committee had decided to prepare a paper on reservations as its contributions to the fiftieth anniversary of the Universal Declaration of Human Rights. A draft of the working paper was contained in document CEDAW/C/1998/I/WG.II/WP.2.

24. Ms. CONNORS (Women's Rights Unit) said that, at an earlier session, the Committee had decided that the Secretariat would prepare, as a pre-session document, a report on ways of improving the work of the Committee. The report on the subject, contained in document CEDAW/C/1998/I/4, dealt with relations between the Committee and specialized agencies and other entities of the United Nations system; the Special Rapporteur on violence against women; the pre-session working group; and the promotion of the Convention and the Committee through technical and advisory services. It also included a compilation of the views of Committee members on the report of the independent expert on the functioning of the human rights treaty bodies and addressed issues raised at the eighth meeting of persons chairing the human rights treaty bodies. It also

dealt with recommendations made to the Committee by the Subcommission on Prevention of Discrimination and Protection of Minorities and the expert group meetings convened since the Committee's seventeenth session. A list of States parties whose reports were more than five years overdue was contained in annex I; a list of States parties whose reports had been submitted but had not yet been considered by the Committee was contained in annex II.

25. In addition to the report on ways and means of expediting the work of the Committee, Working Group I also had before it a working paper containing revised draft rules of procedure (CEDAW/C/1997/WG.I/WP.1), the finalization of which had been postponed from the sixteenth session.

The meeting rose at 12.55 p.m.

UNITED NATIONS

CEDAW

Convention on the Elimination of All Forms of Discrimination against Women

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Eighteenth session

SUMMARY RECORD OF THE SECOND PART (CLOSED)* OF THE 360th MEETING

Held at Headquarters, New York,
on Monday, 19 January 1998, at 3 p.m.

Chairperson: Ms. KHAN

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IMPLEMENTATION OF ARTICLE 21 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (continued)

WAYS AND MEANS OF EXPEDITING THE WORK OF THE COMMITTEE (continued)

* The summary record of the first part (public) of the meeting appears as document CEDAW/C/SR.360.

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98-80054 (E)

The meeting was called to order at 3.15 p.m.

IMPLEMENTATION OF ARTICLE 21 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (continued)

WAYS AND MEANS OF EXPEDITING THE WORK OF THE COMMITTEE (continued)

1. The CHAIRPERSON drew attention to a list indicating which Committee member wished to participate in each of the two working groups: Working Group I on ways and means of expediting the work of the Committee, and Working Group II on ways and means of implementing article 21 of the Convention. She asked for proposals on which member should chair Working Group I.

2. Ms. CARTWRIGHT proposed that Ms. Aouij should chair Working Group I.

3. The CHAIRPERSON said that it would first be necessary to ascertain whether interpretation would be made available for all meetings of both working groups.

4. Ms. BUSTELO GARCÍA DEL REAL said that the choice of a chairperson should be based on considerations other than the ability to speak English.

5. Ms. CORTI said that she supported the nomination of Ms. Aouij. Since any discrimination against members who did not speak English was both unfair and detrimental to the Committee's work, each working group must be provided with interpretation into at least three of the official languages of the United Nations.

6. Ms. ESTRADA CASTILLO said that, in the past, she had been prevented from chairing Working Group I because interpretation had not been available. That kind of discrimination against non-English-speaking Committee members was very disturbing. If that situation continued, it would be necessary to make knowledge of English a requirement for membership of the Committee. She fully supported the nomination of Ms. Aouij.

7. Ms. FERRER said that the issue under discussion was a basic problem that must be addressed. It was important to respect the equality of all the official languages of the United Nations. Therefore, knowledge of English should not be a requirement for membership of the Committee. She could not agree to the suggestion, made at the eighth meeting of persons chairing the human rights treaty bodies, that working groups should conduct their business in English only. She agreed that Ms. Aouij should chair Working Group I.

8. Ms. KINTU (Secretary of the Committee) said that efforts were being made to secure interpretation for both working groups, even though the budget had not previously made allowance for interpretation at two meetings at the same time.

9. Ms. CORTI proposed that, pending an answer from the Secretariat, Working Group I should begin its work without deciding on a chairperson.

10. The CHAIRPERSON suggested that, since most of the participants in Working Group II spoke English, the interpretation services available should be provided to Working Group I.

11. Ms. SINEGIORGIS said that, in principle, it was absolutely unacceptable, at the United Nations, to be compelled to choose a chairperson on the basis of language. Since the Secretariat had set the dates of the Committee's session, it should have ensured that the necessary interpretation services would be available. Providing only one working group with interpretation would set a very bad precedent, since all Committee members were equally entitled to participate in all of the Committee's discussions. If necessary, the two working groups should meet alternately so that interpretation would be available to both of them.

12. Ms. CORTI, speaking in her capacity as Chairperson of the pre-session working group, said that the group had organized meetings with representatives of specialized agencies and non-governmental organizations, who had provided valuable information on the countries whose reports were to be considered at the current session. That experience had been helpful to the Committee members, as country rapporteurs, and had enabled them to formulate additional questions on the periodic reports under consideration. She recommended that the Committee should adopt that procedure as a regular practice, not only in relation to periodic reports, but also in relation to initial reports.

13. Unfortunately, most of the Committee members had failed to submit questions on the country reports to the pre-session working group. Consequently, the latter had had to prepare most of the questions on the periodic reports to be considered. Moreover, the lack of qualified staff to provide typing services in languages other than English had caused problems. It was important for all the Committee members to be informed, at least 20 days before the start of each session, as to which country reports were to be considered. In the case of the current session, the failure to inform Committee members of last-minute changes had resulted in wasted efforts and insufficient preparation.

14. Ms. TIMOTHY (Division for the Advancement of Women) said that the Secretariat had contacted the 10 countries which the Committee had selected at its preceding session and had set a deadline for their replies. By 10 October 1997, the Division had sent all Committee members the final list of country reports to be considered.

15. The CHAIRPERSON said that, although the Committee had decided previously to assign three members to prepare questions on each country report, that practice had not been followed. She wondered whether the Committee would prefer to ask the Secretariat to assist it in preparing questions.

16. Ms. AOUIJ said that the pre-session working group's exchange of views and information with representatives of specialized agencies and non-governmental organizations had been very positive, and that the Secretariat had responded promptly to the group's request that those representatives should be invited. She agreed that that should become a regular practice, not only for the pre-session working group but also for the Committee as a whole. The logistical

support which the Secretariat had provided to the pre-session working group had greatly facilitated and enhanced the quality of the latter's work.

17. Ms. FERRER said that the meeting with specialized agencies and non-governmental organizations had been an extremely useful initiative which should be repeated. As for the questions on country reports, the current system of assigning the task to three experts was a good one which should be maintained, even if there had been some delays in preparing for the current session.

18. Ms. CORTI said that, from a legal point of view, the Committee could not delegate the preparation of questions on country reports to the Secretariat. It was a question of discipline on the part of members in making the effort to meet their commitments; there had been a regrettable lack of such cooperation in respect of the current session.

19. Ms. ACAR suggested that the Secretariat might adopt a more flexible attitude towards deadlines and scheduling and that the allocation of country reports to individual experts might be confirmed shortly before each session.

20. Ms. CONNOR (Division for the Advancement of Women) said that the Secretariat had shown enormous flexibility with regard to deadlines; the only questions not passed on to the pre-session working group had been those received on the final day of its session after the group had concluded its work.

21. Ms. AQUIJ noted that country reports were assigned to experts on the basis of their familiarity with the region and the issues involved.

22. Ms. BUSTELO GARCÍA DEL REAL suggested that issues relating to working methods, including the submission of questions by experts, might be taken up by Working Group I.

23. Ms. CORTI said that it would be preferable to choose members from the same region as the reporting State to act as country rapporteurs.

24. Ms. CONNOR (Division for the Advancement of Women) noted that the members of the pre-session working group represented regional groupings; thus, it was not necessarily the country rapporteurs who prepared the questions on a given report.

25. Ms. SINEGIORGIS said that, while she agreed that, for the most part, experts should be assigned to prepare questions on the reports of countries from their own region, the perspective of someone from a different region could also be interesting and useful. Therefore, she suggested that one of the three experts assigned to each country report should be from outside the region concerned. It would also be helpful if the assignments for the next session could be announced on the last day of each session.

26. Ms. JAVATE DE DIOS (Rapporteur) said that the Committee should adopt a formal policy of encouraging the participation of specialized agencies and non-governmental organizations in the pre-session working group.

27. Ms. ESTRADA CASTILLO said that she wished to convey the strong desire of the Committee on the Rights of the Child to coordinate its work on the rights of the girl child with the work of the Committee on the Elimination of Discrimination against Women, especially in conjunction with the observance of the fiftieth anniversary of the Universal Declaration of Human Rights. The Committee on the Rights of the Child was planning an extensive publicity campaign in Latin America, in cooperation with the United Nations Development Fund for Women (UNIFEM) and the United Nations Children's Fund (UNICEF), and it would welcome participation by the present Committee also.

28. Ms. SHALEV agreed that the policy of cooperation with the specialized agencies and non-governmental organizations should be formalized.

29. Ms. AOUIJ suggested that Working Group I should consider the report of the pre-session working group and then submit recommendations to the plenary Committee. The issue of the contribution of Committee members to the pre-session process should also be put on the agenda of Working Group I. While members might occasionally have to contend with personal problems or emergencies, they should, in principle, shoulder their responsibilities. Cooperation with non-governmental organizations and the specialized agencies and cooperation among the treaty-monitoring bodies were also crucial issues which should be considered.

30. Ms. CORTI said that the Committee should take an immediate decision on the question of cooperation with non-governmental organizations; there was no need to refer it to a working group. However, cooperation with the specialized agencies should be discussed in the working groups.

31. The CHAIRPERSON said that, if she heard no objection, she would take it that the Committee as a whole wished to deal with the issue of inputs from non-governmental organizations to the work of the pre-session working group.

32. It was so decided.

33. The CHAIRPERSON expressed deep concern at the fact that seven members would be unable to participate fully in the Committee's current session. Since the Committee had requested and been allowed a second session to deal with its backlog of outstanding reports, it might lose credibility with the States parties. In that regard, the Bureau had suggested that she should write to the experts concerned to remind them of their responsibilities.

34. Ms. CORTI said that, while personal emergencies might occasionally arise, it seemed to her that far too many experts were absent from the current session. She wondered how States parties, especially those that had been instrumental in ensuring that the Committee was granted two sessions per year, might react upon learning that it was not functioning at full capacity.

35. Ms. SHALEV said that all members took the Committee's work seriously. It should not be assumed that their absence was attributable to a lack of responsibility. Noting that two of the experts who were absent had announced in advance that they would be unable to attend, she recalled that article 17, paragraph 7, of the Convention provided for the filling of casual vacancies.

36. Ms. SINEGIORGIS asked what provision was made in the rules of procedure for situations where a member failed to attend a number of sessions. The two experts who had announced that they could no longer attend the Committee's sessions should inform the Committee of that fact in writing, so that the Secretariat could request the States parties to nominate replacements for them. As long as there was a quorum, however, the Committee should proceed with its work.

37. The CHAIRPERSON said that her main concern was that the Committee was being deprived of the valuable contributions of the experts concerned.

38. Ms. KING (Special Adviser to the Secretary-General on Gender Issues and the Advancement of Women) said that rule 11 of the Committee's rules of procedure dealt with situations where members were unable to attend the Committee's meetings. In fact, upon being informed by two members of their intention to resign, the Secretariat had contacted the States parties concerned and could take no further action until all the procedural requirements had been met.

39. Ms. RYEL asked whether members of the Committee would be given a briefing or report on the Special Adviser's mission to Afghanistan, whether the United Nations would be able to undertake similar missions in the future to countries such as Algeria and whether a report could be prepared on an exceptional basis on Algeria. In that regard, she wished to know the outcome of the report prepared on an exceptional basis on Yugoslavia.

40. The CHAIRPERSON said that she would inform the Committee when the Special Adviser was ready to hold a briefing on Afghanistan. As far as Algeria was concerned, the Bureau had decided that Algeria should be asked to submit its initial report to the Committee's next session. If it did not agree to do so, the Committee could request that a report on Algeria be prepared on an exceptional basis or, failing that, could choose to consider the situation of women and children in Algeria. However, it would be best for the working group concerned to give the matter further consideration and submit a decision thereon to the plenary.

41. Ms. AOUIJ said that she was eagerly awaiting the Special Adviser's report on Afghanistan, where women and girls in particular were being severely oppressed. In the case of Algeria, there was a difference between the violations that were being committed by the Government and the atrocities that were being perpetrated by terrorist assassins. Since the Committee dealt with States parties, it was very important that it wait for the initial report of Algeria, which would be submitted shortly. If that report failed to meet all the Committee's expectations and concerns with respect to the situation of Algerian women, the Committee could then request the preparation of a report on an exceptional basis or a supplementary report. The Committee should show its full solidarity with Algeria. It should not make the same mistakes as the Western media that were identifying the Algerian Government with the terrorists. Coming as she did from a country that shared a common border with Algeria, she was quite aware of what was going on in that country. There was a need to exercise extreme caution in that regard; otherwise, the terrorists might well achieve their goal of pinning on the Algerian Government the blame for the atrocities which they were committing. It was perfectly legitimate, however,

for the Committee to request a report from the Algerian Government and she was prepared to put that item on the working group's agenda.

42. The CHAIRPERSON questioned whether crimes were being committed only by terrorist groups in Algeria, since the Government had thus far refused to agree to any kind of United Nations or outside investigation. However, the Committee had a moral and legal obligation to request Algeria to submit its initial report.

The meeting rose at 5.10 p.m.

UNITED NATIONS

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Eighteenth session

SUMMARY RECORD OF THE 361st MEETING

Held at Headquarters, New York,
on Tuesday, 20 January 1998 at 10 a.m.

Chairperson: Ms. KHAN

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

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98-80060 (E)

The meeting was called to order at 10.20 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

Initial report of Azerbaijan (CEDAW/C/AZE/1)

1. At the invitation of the Chairperson, Ms. Abdoullah-zade (Azerbaijan) took a place at the Committee table.

2. Ms. ABDOULLAH-ZADE (Azerbaijan), introducing the initial report of Azerbaijan (CEDAW/C/AZE/1), said that Azerbaijani women were currently experiencing hardships as a result of the collapse of the Soviet Union, the war with Armenia and the refugee crisis. However, the consideration of Azerbaijan's report by the Committee and the establishment of a special State committee to deal with women's issues marked a new direction in the country's implementation of the Beijing Declaration and Platform for Action.

3. During the Soviet period, the equal rights of men and women had been guaranteed by law, and Azerbaijani women had managed to achieve success in various fields. The introduction of quotas for female participation in administrative bodies had brought women out of their traditional roles. Female illiteracy had been eradicated. A significant proportion of entrants into technical professions were women.

4. The conflict with Armenia over Nagorny Karabakh had caused dislocation throughout Azerbaijan. The main problem was the tremendous influx of refugees and displaced persons from the conflict zone. The rights of all those people, not only the rights of women, needed to be protected.

5. The effects of the war with Armenia had been compounded by the economic crisis following the collapse of the Soviet Union. Azerbaijan had gradually emerged from that crisis and achieved political stability. The country had a multiparty system with 31 registered political parties. Tangible economic progress had been made. Although much remained to be done, the privatization programme, the restructuring of the banking and financial system, foreign capital investment and agricultural reform had all contributed to improving the status of women.

6. Following the recent parliamentary elections, 12 per cent of the total number of deputies were women, as compared to just 6 per cent before the adoption of the new Constitution in 1995. While those figures were well below the high number of women in Soviet legislative bodies, it was important to remember that in Soviet times women had served on a quota basis rather than rising to the top through their own leadership potential. It was clearly not enough to proclaim equal rights, as the Soviet authorities had done; an equal opportunities policy was needed to ensure genuine equality of rights between men and women.

7. The Azerbaijani Government's current objective was to formulate just such a policy. An equal rights and opportunities policy should encourage women to

aspire to key decision-making positions. The same objective was a hallmark of relations between the authorities and non-governmental organizations concerned with women's issues. An increasing number of government commissions were headed by women, and there were currently two women in the Azerbaijani Cabinet of Ministers. Azerbaijani women were also very active in non-governmental organizations. They had joined in the call by non-governmental organizations from other nations of the Caucasus region for an end to hostilities in Nagorny Karabakh and the return of all refugees and displaced persons to their place of origin. Without a settlement to the conflict in Nagorny Karabakh, it would be impossible for Azerbaijan to implement fully all the provisions of the Convention on the Elimination of All Forms of Discrimination against Women.

8. Article 19 of the Constitutional Act on the State Independence of the Azerbaijani Republic conferred equal rights on all citizens of Azerbaijan regardless of sex. Article 25 of the Act on Citizenship of the Azerbaijani Soviet Socialist Republic also provided for the equality of rights and freedoms of men and women.

9. Fifteen Azerbaijani women were currently employed in embassies and missions; that number included two ambassadors, one second secretary, three attachés and nine technical staff. Azerbaijan had 18 embassies and missions.

10. Under the Constitution, men and women had the same right to education. The State guaranteed free and compulsory general secondary education. In that regard, article 42 of the Constitution constituted a significant amendment to the 1992 Education Act by providing for compulsory 11-year education for all citizens regardless of sex. The basis of all education was the general-education school. At the start of the 1996-1997 academic year, there were 4,414 State-run general-education day schools providing general education to 1,497,400 children, of whom 49.9 per cent were girls. The Azerbaijani Government was grateful to the United Nations Children's Fund (UNICEF), the United Nations Development Programme (UNDP) and other humanitarian organizations which, through the use of mobile schools, had provided education to children living in tent cities and refugee camps, who would otherwise have remained outside the educational system.

11. The introduction of computer technology had made it possible to collect gender-disaggregated data on students with a view to making subsequent recommendations on a programme designed to expand the range of specialist subjects offered to female students. Since June 1995, the number of female applicants to higher educational institutions had actually exceeded the number of male applicants. In 1995, the ratio had been 29,905 females to 20,216 males; in 1996, the ratio had been 26,885 to 20,712; and in 1997, it had been 26,768 to 22,316. While females tended to study medicine, biology, linguistics and philology, both males and females had shown the same interest in economics. The educational sector and the Azerbaijani Government were working together to devise a programme to boost female enrolment in traditionally non-female disciplines.

12. The 1996 Act on Individual Labour Agreements (Contracts) had made it unlawful to use a change in contractual status as a pretext for discriminating on the basis of sex, inter alia, or to establish privileges and benefits on the

same basis, or to restrict a person's rights either directly or indirectly for the same reason. The establishment of privileges for working women was not considered discriminatory. In addition, employers were barred from terminating a pregnant woman's contract, and also from terminating contracts with women whose children were under three years of age, except in cases where an enterprise was closing down.

13. Azerbaijan's total labour force numbered 2,895,400 people in 1996; 1,490,100 people, including 650,400 women, worked in the State sector. In 1996, a total of 117,000 working women were on child-care leave with partial pay. In the same year, over 12,481 women job-seekers had registered with the State employment service; over 3,108 of those women had been forcibly displaced from areas of Azerbaijan occupied by Armenia. Over 5,300 women had been placed by the service. A total of 14,000 unemployed women were registered with the service, which had sent 1,767 women on short-term vocational training courses.

14. Ms. CORTI said that Azerbaijan needed to adopt a clear policy of equal rights since, in spite of the progress that had been made, a number of obstacles still remained. It was regrettable that Azerbaijan had not yet adopted a policy that guaranteed women equal rights as individuals.

15. She requested more information on the trend towards privatization, especially the impact of privatization on the status of women. It would be useful to have more information on investment trends; in particular, she wished to know in what areas investments were being made and the impact of such investments on the unemployment rate. More information was needed on Azerbaijan's establishment of national machinery for the promotion of women. The paucity of information on article 14 was surprising in view of the high percentage of Azerbaijani women employed in the agricultural sector.

16. Ms. HARTONO wished to know whether the principle of gender equality was being implemented in real life. She also enquired whether there were only two levels of courts as mentioned in the report, or whether the Supreme Court was also an appellate court. Since most of Azerbaijan's population was Muslim, she wished to know whether or not religious law was applied in family matters, especially with respect to women and children. If there were religious courts in Azerbaijan, their relation to State courts should be clarified; in particular, she wished to know whether there was a hierarchy of religious courts and which court prevailed when State and religious courts were in conflict.

17. She requested information on the impact of private law on the situation of women. She wished to know whether a married woman could submit a claim or make an appeal to a court in her own right. She also wished to know whether husbands could divorce their wives without a court decision or whether divorce had to be decided on by the court.

18. Ms. ABAKA said that it was surprising that both the infant and the maternal mortality rate in Azerbaijan had increased while the birth rate had decreased. In view of the widening gap between rich and poor, she requested information on programmes sponsored by the World Bank and the International Monetary Fund (IMF) to mitigate the effects of Azerbaijan's economic reforms on women and children.

She was disappointed that articles 1 to 4 had been dealt with as a cluster, since it was common practice to deal with them separately.

19. Ms. ACAR said that Azerbaijan's ratification of the Convention reflected its political will to eliminate discrimination against women and ensure gender equality. However, those goals could be achieved only through the implementation of the Convention, which required an understanding of and a critical approach to the gender situation, the ability to recognize discrimination, research on the status of women in society, the promotion of gender-sensitive attitudes through mass media campaigns, and laws and policies that provided a clear definition of gender discrimination. More information was needed on the de facto and de jure situation of Azerbaijani women. In that connection, she wished to know the priorities that Azerbaijan had set for improving the status of women. She enquired whether Azerbaijan had adopted a national plan of action for the implementation of the Beijing Declaration and Platform for Action.

20. Ms. AOUIJ said that she had been pleased to learn that Azerbaijani women were well educated and well represented in many professions. The social, economic and political changes taking place in Azerbaijan and the consequences of Armenian aggression, had led to a decline in resources for education and health. In the light of rising infant and maternal mortality rates, the Government should adopt special programmes to reverse that trend.

21. She enquired whether the Parliament of Azerbaijan had given specific instructions to the relevant State departments to take measures to bring Azerbaijan's legislation and regulations into line with the Convention. She requested information on specific initiatives that had been taken to assist displaced persons and to lower the percentage of the population living below the poverty line. It would be useful to know whether the national machinery for protecting women's rights received adequate resources and whether it had links with international organizations, including non-governmental organizations.

22. Ms. CORTI said that, according to paragraph 41 of the report, State power in Azerbaijan was limited in internal matters only by the law, and in foreign affairs only by provisions arising out of international agreements to which Azerbaijan was a party. In that connection, she wished to know the extent to which international human rights treaties, and the Convention in particular, limited State power in Azerbaijan.

23. Article 25 of the Constitution of Azerbaijan provided for the right to equality between men and women and freedom from discrimination. It would be helpful if Azerbaijani legislation provided a clear definition of what constituted discrimination. It would be useful to know what penalties were provided in the national legislation for impeding the observance of equal rights for women. She enquired whether the Constitutional Court had been established since the preparation of the report.

24. She enquired whether any violations of fundamental rights of the kind referred to in paragraph 66 of the report had occurred and what steps had been taken to deal with them. According to paragraph 69, a report from a trade union could constitute grounds for instituting criminal proceedings, and she wished to

know how instrumental trade unions were in defending women's rights. Referring to paragraph 71, she wished to know what specific instructions the Parliament of Azerbaijan had given to relevant State departments to bring national legislation into line with the provisions of the Convention. She would also welcome additional information on the national machinery that had been proposed for the purpose of guaranteeing women the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men, in accordance with article 3 of the Convention.

25. Paragraph 81 of the report referred to a number of articles of the Criminal Code of Azerbaijan. It would be useful to know what the provisions of those articles were and whether the abolition of the death penalty for women was a temporary or permanent measure. With regard to paragraph 82, she requested information on the nature of the measures provided for the social protection of the family and whether such measures applied only to large families.

26. Ms. HARTONO wished to know whether, under the current laws of Azerbaijan, divorced mothers could be granted custody of their children and whether they had a right to alimony from their former spouses. She requested information on the inheritance laws in force and whether men and women received equal treatment under those laws.

27. Ms. RYEL sought additional information on Azerbaijan's machinery to ensure the effective implementation of legislation in the field of equal rights for men and women. The purpose of such machinery was not only to promote the incorporation of a gender perspective into legislative texts but also to provide a forum to which women whose rights had been violated could have recourse. The Committee would also welcome information on strategies to guarantee the rights of disabled women, especially in the areas of health care and education.

28. She enquired whether women's participation in political life was ensured through a system of quotas or by other means. With regard to women's participation in economic activities, it would be interesting to know what steps were being taken to arrest the disturbing trend towards the segregation of the labour market.

29. The report did not contain any information on the subject of violence against women, including domestic violence, and she hoped that that omission would be corrected when the representative of Azerbaijan replied to the questions from the experts.

30. Ms. FERRER asked whether, pending the establishment of the Constitutional Court, a body existed to which women whose equal rights had been violated could complain. She wished to know whether any complaints of that nature had been made and what penalties were prescribed by the law for those guilty of such violations. She wished to know what steps the Government had taken to disseminate the Convention in Azerbaijan. She enquired what penalties were provided under article 131 of the Criminal Code for the actions described in paragraph 79 of the report. She requested information on when a special unit to monitor respect for women's rights would be established, whether an act of Parliament was required for its establishment, what powers it would have and

pending the establishment of the special unit, which agency was currently responsible for ensuring respect for women's rights.

31. She requested information on the activities of non-governmental organizations in Azerbaijan; in particular, she wished to know whether non-governmental organizations had any influence on the Government's on policies and programmes. She asked what steps had been taken to change existing stereotypes of women in Azerbaijani society and what role the media was playing in the promotion of gender sensitivity. It would be interesting to know the extent to which women were represented in the media.

32. Ms. BUSTELO GARCÍA DEL REAL stressed the crucial role of national machinery in guaranteeing equal opportunities for women. The Convention provided a useful basis for elaborating policies to protect the rights of women, particularly in countries in transition. Reporting States should take due account of any recommendations that the Committee made after it completed consideration of their reports.

33. Ms. OUEDRAOGO said that, since the report combined information on articles 1 to 4 of the Convention under one heading, it was difficult to determine what national mechanisms existed to promote the equality of women. A coherent approach to the promotion of women was particularly important during periods of national reconstruction. She wished to know at what level policies to promote women's equality were coordinated and how they were financed. The section of the report dealing with article 5 of the Convention was too restrictive and did not address the issue of violence against women. She requested information on the most common gender stereotypes and their consequences for the situation of women.

34. Ms. Yung-Chung KIM asked to what extent the Government was aware of the disparity between de facto and de jure situations of women. She wished to know whether there was any official policy or national plan to accelerate the de facto equality of women through temporary or special measures, and whether there was any legislation in place - other than measures for the social protection of the family - to implement that policy or plan. Although the report referred to the State policy on youth, it made no mention of a State policy on women. She enquired whether the nearly 60 women's non-governmental organizations in Azerbaijan were working to promote the de facto equality of women.

35. Ms. ESTRADA CASTILLO said that the report did not provide enough information on affirmative action, which was an important means of eliminating flagrant discrimination against women. In traditionally patriarchal and poor countries like Azerbaijan, the so-called "feminization of poverty" was a common problem. She wondered whether the Government had taken any temporary measures to help women deal with that problem and its consequences during the transition to a market economy.

36. According to paragraph 81 of the report, the death penalty had been abolished for women. She wished to know the offences for which women had been executed in the past, and whether there had been any extrajudicial executions of women since the abolition of the death penalty.

37. Ms. FERRER GOMEZ, referring to paragraph 79 of the report, asked whether "actions which prevent women from participating in public social and cultural activities ... are subject to criminal penalties if they are associated with the use or threat of force" meant that Azerbaijani women were prevented from participating in such activities. Many of the titles of the publications covering the role of women in society, contained in paragraph 73 of the report, suggested that those publications merely reinforced the stereotype of women as mothers and housewives.

38. She asked whether spousal rape and abuse were punishable under the Criminal Code, and whether husbands who committed such offences could be tried under the Convention. She enquired whether rehabilitation programmes for men convicted of such offences, as well as shelters for their victims, had been established. She also wondered whether husbands commonly participated in household chores, and whether the Government had launched a campaign to combat gender stereotypes, particularly through elementary school education.

39. Ms. JAVATE de DIOS said that the Committee had taken note of the fact that Azerbaijan had ratified the Convention without reservations, fulfilled its reporting obligations promptly and made efforts to establish a legal basis for gender equality, particularly through article 25 of the Constitution. However, it would be useful to have information on the content of some of those measures, particularly the articles of the Criminal Code mentioned in paragraph 81 of the report.

40. Legislation was not self-activating, and government bodies were responsible for monitoring policy implementation and ensuring the availability of adequate mechanisms and resources. The representative of Azerbaijan should provide informAtion on the cultural prejudices and customary practices that were impeding progress towards gender equality and what Azerbaijan was doing to change them.

41. She wished to know the extent to which men shared child-care and domestic responsibilities. She requested information on the nature and extent of violence against women and the measures the Government had taken to address that problem. She wondered whether the Government, in cooperation with non-governmental organizations, had established programmes and services to assist the victims of such violence.

42. The CHAIRPERSON said that the report concentrated on human rights in the public sphere and made little mention of such matters as domestic violence. She requested information on the content of the articles of the Criminal Code referred to in paragraph 81 of the report and on the de facto application of such legislation, particularly with regard to gender stereotypes. She enquired whether prostitution was legal in Azerbaijan and, if not, what was being done to combat it.

43. Under the Soviet system, a quota system had ensured women a certain percentage of high-level posts in the oil industry. She asked whether that quota system was still in place, since a number of non-governmental organizations had reported that women, even when highly qualified, were employed only in secretarial posts in that industry.

The meeting rose at 12.55 p.m.

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Eighteenth session

SUMMARY RECORD OF THE 362nd MEETING

Held at Headquarters, New York,
on Tuesday, 20 January 1998, at 3 p.m.

Chairperson: Ms. KHAN

CONTENTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial report of Azerbaijan (continued)

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98-80066 (E)

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial report of Azerbaijan (continued) (CEDAW/C/AZE/1)

1. At the invitation of the Chairperson, Ms. Abdoullah-Zade (Azerbaijan) took a place at the Committee table.

Article 6

2. Ms. Yung Chung KIM asked what steps were being taken by law enforcement authorities to protect women from the risks of traffic in women, and whether there were any educational programmes for young girls to alert them to its dangers and to prevent them from becoming its victims? She asked whether any one had been brought to trial in the 26 criminal cases mentioned in paragraph 94, what the outcome had been, and whether any criminal penalties had been imposed.

3. Ms. ESTRADA CASTILLO, referring to the 26 criminal cases mentioned in paragraph 94, asked what penalties had been imposed on the persons who had recruited women for prostitution and whether the victims had received any kind of financial compensation for the harm they had suffered. Was the Government of Azerbaijan providing employment opportunities for women to discourage them from resorting to prostitution? More information on the traffic in women and girls, especially for purposes of prostitution was needed; were there any preventive programmes, and what was being done to stop traffic in women not only to Europe but also to countries in the region?

4. Ms. HARTONO asked for further details in connection with the general statements made in paragraphs 89 and 90.

Article 7

5. Ms. CORTI said that, as she had already noted in her general comments, more information was needed on women in decision-making positions.

6. Ms. ACAR said that it was impressive that women accounted for 12 per cent of members of Parliament in Azerbaijan, especially in view of the trend in many other former Soviet countries, where women's participation had declined since independence. She asked whether there had been any change in the level of women's representation; whether any efforts were being made by women in Parliament to legislate for women's rights and address issues of discrimination; and whether any organization of women parliamentarians had been set up to promote women's rights, combat discrimination and put forward gender-sensitive policies.

7. Ms. JAVATE DE DIOS requested information about participation by non-governmental organizations in promoting gender equality and asked whether

such organizations, especially women's and human rights groups, were able to participate freely in political debate, without risk to the persons involved.

8. Ms. ESTRADA CASTILLO said that, according to information from the International League for Human Rights, male heads of household sometimes voted on behalf of women family members in elections; she asked whether that was the case and, if so, what the Government was doing to prevent such a flagrant violation of women's right to vote.

Article 9

9. Ms. ESTRADA CASTILLO, referring to paragraph 101, asked for information about the status of children of parents of different nationalities in cases of divorce.

Article 10

10. Ms. CORTI asked for further information on article 3 of the Education Act; were there special classes on the meaning of gender equality, and was teaching on international legal instruments, especially the Convention, provided in schools? Were special schools separate from ordinary schools? Had the education budget increased? Were there any private schools and, if so, how were they funded and how many students attended them? Were textbooks and teaching methods the same in public and private schools?

11. Ms. ACAR requested statistics on trends in the rates of school attendance for girls and boys since independence, and also gender-disaggregated statistics on university student enrolment in the various disciplines, to supplement the limited information provided in paragraph 106. Had there been any effort to institutionalize the teaching of women's studies at the university level?

12. Ms. FERRER asked what impact the economic crisis had had on girls' access to education and to scholarships, especially among the 85 per cent of th population living below the poverty level. Had the privatization of the educational system influenced girls' access to school, and had the number of girls in higher education increased or declined by comparison with the previous five-year period? Since more girls than boys applied to university, why did girls account for less than 50 per cent of university students? In connection with paragraph 103, she asked whether teachers were given any training in gender issues.

13. Ms. JAVATE DE DIOS asked how the authorities ensured that teaching aids and textbooks did not reflect discriminatory attitudes vis-à-vis either sex, and what proactive measures were being taken to change public attitudes. She requested comparative statistics on women's participation in the professions over the past 10 years and during the period under review; had there been a regression in women's participation in the professions, particularly in view of the economic crisis?

14. She asked how the education of refugee women and children was being conducted and whether there were any programmes for women in especially difficult circumstances. In what way was the Government of Azerbaijan actively

ensuring the availability of human rights education and, especially, education in gender equality?

Article 11

15. Ms. CORTI noted that the information provided on article 11 followed the Committee's guidelines much more closely than the information on other articles. The Committee was interested in not only the de jure but also the de facto situation of working women in the current period of economic crisis. In connection with paragraph 110, she asked how article 83 of the Labour Code was implemented in practice. She requested gender-disaggregated data on unemployment and information on part-time employment. Were the same social benefits provided in the public and private sectors? The situation described in paragraph 116 seemed to conflict with women's constitutional rights. She asked why it was that, as yet, not all the mechanisms for providing economic assistance to employers in that respect had been established in Azerbaijan. Were all the pension rights mentioned in paragraphs 118 and 119 being guaranteed during the current economic crisis, especially since many mothers had three or more children and were therefore entitled to the benefits listed?

16. Ms. AOUIJ said that it was commendable that Azerbaijan had ratified the main International Labour Organization conventions, especially Conventions Nos. 100, 103 and 111. Paragraph 109 showed that women's right to work was well established, and was protected by the State. She asked whether, in practice, employers respected the provisions of the law, and whether the incentives envisaged for employers were actually in place; whether maternity laws had an adverse effect on the employment of women; whether any men applied for paternity leave; whether conditions were the same in the public and private sectors; what the situation of women was in the informal sector; and what percentage of women were heads of household and whether there were programmes to help such women find work and childcare. Did men and women have equal rights in respect of stability of employment, hiring practices and selection criteria, and training and refresher training programmes? She requested information on legal remedies available to women who were victims of discrimination, laws providing protection against sexual harassment, and programmes to facilitate women's re-entry to the workplace. In the current situation of widespread unemployment, the Government was making commendable efforts to prevent the marginalization of women. She asked whether women who had not been placed by the State employment service (para. 116) received unemployment benefits on the same basis as men.

17. Ms. FERRER said that if two thirds of the unemployed population of working age were women, the grave economic crisis referred to in paragraph 13 must have had greater repercussions for women than for men. Were any programmes being developed to assist women, especially women heads of household, single mothers and women supporting their families, in finding work? What possibilities or programmes existed for giving women refugees access to employment? She requested updated data on the percentage of women in the labour force, and asked whether the data provided in the report included women in domestic service or part-time work. She requested information on the participation of women in major occupational categories and the percentage of women at each level. Were there crèches and kindergartens for the children of working women, what

percentage of such facilities were provided by the State, and what were the requirements for admission to them?

18. Ms. LIN Shangzhen noted that Azerbaijani legislation seemed to emphasize maternity protection over equality between men and women. With regard to article 11, and also articles 3 and 4, she welcomed the establishment of national machinery to deal with women's issues. It would be interesting to know what the priorities of such machinery would be and whether it would attempt to maintain or restore some of the rights enjoyed by women in the former Soviet Union. She stressed the need for affirmative action and other temporary special measures to offset the impact of the socio-economic crisis. She would appreciate more specific information on the implementation of legislation to protect women's rights during the crisis, and on the impact of the crisis on women's and girl's education, employment and health. Referring to the concept of "heroine mothers" in paragraph 118 (a), she inquired whether, under the current demographic policy of Azerbaijan, women were still encouraged to bear numerous children.

19. Ms. Yung Chung KIM, referring to paragraph 109 of the report, inquired about the percentage of women holding managerial positions in the fields of health care, social welfare, popular education and culture. More information should be provided on promotion and retirement practices, and on the situation with regard to age, gender and wage discrimination. It would be interesting to know whether paternity leave for childcare was granted in Azerbaijan.

20. Referring to article 12 of the Employment Act, she asked how many women had received free training in a new occupation or refresher training, with payment of a stipend. She wished to know how many unemployed women received the social benefits guaranteed under article 35 of the Act and whether women and men were granted the same benefits. Lastly, she requested statistics on the number of women who received the old-age pension granted on attaining the age of 55 with at least 20 years' service (para. 118); it was important to know whether men and women enjoyed equal rights under that provision.

Article 12

21. Ms. SHALEV said that the alarming rise in maternal mortality (para. 12 of the report) was a violation of women's right to life as guaranteed by the Constitution. She wondered whether the Government had addressed the causes of that phenomenon. She would appreciate clarification of the information given in paragraph 123, in view of reports from non-governmental organizations that there had been a decrease in the number of women's health centres and maternity beds since Azerbaijan attained independence. According to non-governmental sources, the charges for medical care referred to in paragraph 124 actually pervaded the entire health care system. Hospitals charged more than $100 for labour and delivery, an amount far in excess of the average wage, meaning that only privileged women could give birth in hospitals. She wondered whether there had been an increase in the number of home births since the attainment of independence and, if so, whether there was a link between that increase and the rise in maternal mortality.

22. She inquired about the status of a public health bill, introduced in the Parliament of Azerbaijan in April 1997, which would guarantee free prenatal care in federal and municipal facilities. She wished to know the percentage of private and public health facilities in Azerbaijan; what percentage of the population would have access to free maternity services under the new legislation; who had proposed the bill; whether adequate resources had been allocated for its implementation; and how it would be enforced in view of the unofficial, if not illegal, charge currently levied for medical services in public facilities. Noting the increase in infant mortality rates, she asked whether the proposed bill also provided for the free immunization of young children.

23. She requested updated information on the status of the reproductive health and family planning programme referred to in paragraph 122, particularly on its funding and its outreach activities. She wished to know whether the six regional health reproductive centres mentioned in that paragraph were functioning and whom they were serving. What were the four types of contraceptives available in those centres; were there statistics on their use; what did they cost; who paid for them; and could women select the method they preferred? She inquired about the contraceptive education and information programmes, and reproductive health education for adolescents. Were contraceptives available to women throughout the country and were they provided free of charge? If not, were there any socio-economic barriers to their use? She wished to know more about bureaucratic hurdles to supplying condoms to internally displaced women in Azerbaijan, which were referred to in a report by the Office of the United Nations High Commissioner for Refugees, and what action was being taken to overcome them.

24. The report made no reference to article 16 (e) of the Convention, on the number and spacing of children, and gave no information on abortion, which was directly related to the availability or otherwise of contraceptives. In that connection, she would appreciate information on abortion rates and on why women sought abortions; a comparison of abortion rates and rates of contraceptive use would be particularly enlightening. She inquired about abortion facilities, including their cost and funding, and about the health consequences of repeated abortions where contraceptives were not available.

25. She asked whether female sterilization was currently legal and why the proposed public health bill would make that option available only to women over 35 years of age with more than two children.

26. The representatives of Azerbaijan should describe public health measures for dealing with communicable diseases, including tuberculosis and sexually transmitted diseases such as HIV/AIDS. They should provide information on any action taken to address the threat of water contamination referred to in Azerbaijan's report to the Committee on Economic, Social and Cultural Rights. She would appreciate statistics on drug and alcohol abuse programmes for women and on health facilities available to female victims of domestic or sexual violence. In conclusion, she cautioned that poor women would be neglected if the Government's role in public health was diminished by privatization efforts.

27. Ms. ABAKA echoed Ms. Shalev's concern at the high rate of maternal mortality, which was particularly puzzling in view of the number of women doctors in Azerbaijan. She wished to know the major causes of maternal mortality; the report's lack of statistics both on that problem and on infant mortality was regrettable. At a time when 85 per cent of the population were living below the poverty line, affirmative action in the health field would be needed to reverse current trends. The report should have given more information on the incidence of HIV/AIDS and on measures to combat gender-based violence, both of which were the subject of Committee general recommendations. It would be interesting to hear more about the mental health situation of women in Azerbaijan at a time when the country was facing with so many problems.

28. She inquired about the availability of prenatal foetal testing and about abortions performed after such testing and the major reasons for them. She wished to know whether the Government sponsored programmes to combat sexually transmitted diseases, particularly HIV/AIDS; whether any of those programmes targeted women and girls in particular; whether they took female subordination into account as a factor that increased women's vulnerability to sexually transmitted diseases, particularly HIV/AIDS; and whether women health-care workers participated in them. Did HIV/AIDS victims participate in public awareness programmes in Azerbaijan? Lastly, she would appreciate information on the incidence of tuberculosis, which was often a consequence of malnutrition.

Article 13

29. Ms. OUEDRAOGO asked how many women applied for and obtained the loans, mortgages and other forms of financial credit referred to in paragraph 126. Fearing that women's living conditions and weaker economic situation might disqualify them from receiving the credit which they were guaranteed on paper, she asked whether any women's banks had been set up. She stressed the importance of the availability of credit, not only because women's economic power was crucial in the context of a globalized economy but also because credit was the only resource available to non-wage earning women for launching income-generating activities.

30. She inquired about the existence of day-care programmes, awareness-building programmes on men's role in housework and other measures that would enable women to engage in the leisure activities described in paragraph 127.

Article 16

31. Ms. HARTONO, referring to paragraph 137, asked what happened when a man disagreed with his wife's or daughter's choice of occupation, place of residence or family name. Was the age of majority for adoption purposes (para.142) the same as the age of majority for marriage and, if so, could an 18-year old adopt a child? It would be useful to know whether, in practice, legitimate children, as well as illegitimate children, were adopted and whether there was a preference for adopting girls or boys. Could Azerbaijani children be adopted by foreigners and, if so, what requirements had to be met?

32. She asked whether property owned before marriage became part of the joint property upon marriage, and how such property was divided (para. 144).

Referring to paragraph 145, she inquired about the trend for young people to live together, rather than marry, in order to avoid the cost of official registration. What were the consequences for their children, especially with regard to the responsibility of each partner for childcare and child support? In the event of separation, did women assume the entire burden of child-rearing and support, and could men simply enter into another relationship since the first one had not been formalized? In that connection, it would be interesting to know whether bigamy was legal in Azerbaijan and what regulations applied to it.

33. Ms. AOUIJ asked whether, in practice, family relations were influenced by traditional culture and customs, and whether women enjoyed de facto equality. Was the sharing of family responsibilities actually accepted? What grounds for divorce were envisaged in the law? Was divorce granted by the courts, and was there mandatory mediation? She asked for figures on the percentage of divorces requested by men and by women. If the mother had custody of the children, was the father required to pay child support, and did fathers do so in practice? Were there equal inheritance rights between men and women?

34. Ms. ABDOULLAH-ZADE (Azerbaijan) thanked Committee members for their interest and for their questions. Her delegation would respond at a subsequent meeting.

35. Ms. BUSTELO GARCIA DEL REAL asked why the summary records of the Committee's January and June 1997 sessions were not available.

36. Ms. CONNORS (Chief, Women's Rights Unit) explained that it could sometimes take up to nine months to process summary records in all the official languages.

The meeting rose at 4.50 p.m.

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Eighteenth session

SUMMARY RECORD OF THE 363rd MEETING

Held at Headquarters, New York,
on Wednesday, 21 January 1998, at 10.15 a.m.

Chairperson: Ms. KHAN

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial report of Croatia

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98-80072 (E)

The meeting was called to order at 10.30 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial report of Croatia (CEDAW/C/CRO/1)

1. At the invitation of the Chairperson, Ms. Babić, Ms. Bortek-Knesaurek, Ms. Hrabrić, Ms. Karajković, Ms. Musulin and Ms. Simonović (Croatia) took places at the Committee table.

2. Ms. BABIĆ said that, since January 1995, when Croatia had submitted both its initial report and a special report on problems faced by women during the war in that country, a number of measures had been taken to harmonize the existing legislative framework with the Constitution and the international instruments to which Croatia was a party, including the Convention on the Elimination of All Forms of Discrimination against Women and Conventions 100 and 111 of the International Labour Organization (ILO). Efforts had also been made to promote gender equality in practice through cooperation with non-governmental organizations, the establishment of a national mechanism for the promotion of equality and the adoption of special measures to empower women in society.

3. Owing to the extraordinary circumstances prevailing in Croatia at the time the initial report had been submitted, the advancement of women had not been a priority. The establishment of peace had created the conditions for the functioning of civil society and the organized activities of women in areas where they were under-represented. The current period of transition was conducive to progress towards achieving gender equality and the advancement of women, and efforts must be made to increase awareness of equality in traditionally male-dominated areas In that regard, the Government was focusing on cooperation with non-governmental organizations concerned with the advancement of women.

4. Pursuant to the Fourth World Conference on Women, the Government had designated the Ministry of Labour and Social Welfare to act as the umbrella body for coordinating all activities related to implementation of the Beijing Platform for Action, the advancement of women, cooperation with other States and non-governmental organizations and preparation of a proposal on ways of attaining full gender equality. To that end, the Ministry had established the Commission for Equality, which was chaired by the Deputy Prime Minister and included representatives of all government ministries. The Commission, which had begun its activities in May 1996, had concluded that Croatia lacked a comprehensive policy for mainstreaming the gender perspective into society and, after consultations with women's non-governmental organizations, had drafted a National Policy for the Promotion of Equality, which had been adopted by the Government in December 1997. The National Policy had identified a number of crucial areas on which it would focus its activities: political decision-making, the economy and the economic situation of women, health care, education, and the human rights of women and the violation of those rights in times of war and in peacetime. The National Policy called for a review of Croatian

legislation, since previous legislative changes had not taken the gender perspective into account.

5. Ms. KARAJKOVIĆ (Croatia) said that, under the Croatian Constitution, human rights and freedoms were protected by the courts and other competent authorities, which administered justice on the basis of the Constitution and the law. The right of appeal was guaranteed except in cases where other forms of judicial protection were provided. The judiciary was autonomous and independent, and the Supreme Court ensured uniform application of legislation and the equality of citizens, while an ombudsman protected the constitutional and legal rights of citizens against maladministration by administrative agencies and other bodies vested with public powers. Men and women had the same rights in legal and administrative proceedings. In cases where the Constitution granted women special legal rights, the relevant legislation established penalties for violations of those rights. The Croatian Criminal Law of 1977 provided for the protection of women's sexual and physical integrity. A new criminal code had been adopted on 1 January 1998.

6. Between 1996 and 1997, there had been an increase in physical and sexual violence against women. Only 50 per cent of those accused of acts of violence against women had been charged. Those trends had led the Government to adopt a gender perspective and implement the State policy on gender equality. The new criminal code established penalties for gender discrimination. Under the code, both men and women could be victims or perpetrators of rape, sexual intercourse with a helpless person or sexual intercourse through the abuse of office. A major achievement of the new code was the criminalization of spousal rape. The 1977 Law's prohibition of illegal termination of pregnancy had been maintained. Procurement and prostitution were classified as misdemeanours. A person who facilitated or promoted prostitution was subject to a prison sentence of up to one year, while anyone who forced another person to engage in prostitution was subject to up to three years' imprisonment. The new code also introduced the offence of trafficking in women across State borders for the purpose of prostitution.

7. Although the low rate of prosecution of sexual offenders might suggest that women were under-represented in the judiciary, that was not the case. Between 1994 and 1997, the percentage of women municipal court judges had risen from 55.33 per cent to 61.99 per cent and the percentage of women county court judges had increased from 33.60 per cent to 36.71 per cent. While there had been little change in the percentage of women judges in the higher courts, the number of women on the Supreme Court had risen from 6 to 10. There had also been a substantial increase in the number of women lawyers.

8. Ms. BORTEK-KNESAUREK (Croatia) said that Croatia's Constitution and legislation granted women certain privileges because of their special reproductive role. Such legislation was not discriminatory but was intended to provide women with better conditions than men in order to place the two sexes on an equal footing. Men's rights were also recognized under Croatian law. Parents, regardless of their marital status, were jointly responsible for raising and educating their children. In cases of divorce, annulment or separation, either parent could be granted custody of the children but parental responsibility was shared.

9. The right to work was guaranteed by the Constitution and confirmed by labour legislation, which prohibited all forms of discrimination, including discrimination on the basis of sex. Women could not be employed in certain jobs involving predominantly physical labour, or work underground or in water. Legislation also prohibited women from working at night in industry, except in family-owned businesses. Those regulations did not apply to the health-care and certain technical sectors. Waivers could also be granted by the competent body or through negotiations with trade unions.

10. Under Croatia's current labour legislation, pregnant or nursing women whose jobs involved strenuous work could be temporarily transferred to a more appropriate job, while retaining the salary for the work they had performed prior to the transfer, if that salary had been more remunerative. The protection of maternity was one of the basic principles of the Constitution of Croatia. Article 47 of the Labour Relations Act provided for obligatory maternity leave during pregnancy, childbirth and care for the child. The father of a child was entitled to use additional maternity leave instead of the mother if he had primary responsibility for the care of the child, and provided that the mother worked full time. The parents of disabled children were granted special rights, including the right to maternity leave and part-time work until the child was seven years old. The rights in question were exercised by both parents in acknowledgement of their joint responsibility for child-rearing. Parents of adopted children enjoyed the same rights as biological parents. Maternity leave, the part-time work of parents or adoptive parents, and post-adoption leave were treated as full-time work and included in the years of service for pension and insurance purposes.

11. Ms. HRABRIĆ (Croatia) said that, since the preparation of Croatia's initial report, there had been a number of minor changes in health-care legislation, including the introduction of a new method of calculating compensation for women on leave from their jobs. In 1996, the birth rate in Croatia had risen to 12 live births per thousand, exceeding its pre-war level, while infant mortality rates had fallen to their lowest levels ever. The leading causes of mortality among women were circulatory disease and breast, stomach and lung cancer.

12. Current legislation set out the rights and duties of citizens in the prevention of conception and the termination of unwanted pregnancies. In order to enable Croatian citizens, especially women, to exercise their right to family planning, guidance centres had been established as part of the health-care and social welfare services. Pregnancies could be terminated at a woman's request within 10 weeks of conception. Abortions could be performed in hospitals with gynaecological and obstetrics wards or in any other medical institution authorized by the Ministry of Health. In 1996, 25,200 legal abortions had been performed.

13. Ms. SIMONOVIĆ (Croatia) said that, on the recommendation of the Croatian Commission for Equality, the Government had undertaken a number of measures to implement the Convention on the Elimination of All Forms of Discrimination against Women and the Beijing Platform for Action. All ministries and other bodies were required to implement those measures. In addition to implementing and coordinating national policy, the Commission was taking measures to strengthen cooperation with non-governmental organizations active in the field

of women's issues. Other initiatives of the Commission included the organization of panel discussions on women in public life, a research project on women victims of war, and various projects in cooperation with non-governmental organizations to assist women refugees and displaced persons. In the area of legislation, the Commission was responsible for reviewing the current situation of women and promoting the implementation of specific objectives of the Platform for Action within fixed time-frames. It was also responsible for reviewing proposed legislation that could have an impact on the status of women. The Constitution of Croatia provided that international instruments, including the Convention, that had been ratified by Croatia took precedence over domestic legislation, which needed to be brought into line with the provisions of those instruments.

14. The ombudsman had to provide special protection for women victims of discrimination within one year; State bodies were obliged to include in their advertisements for vacant posts an invitation for women to apply; they also had to provide gender-disaggregated statistics. In 1998, the Commission on Equality would publish brochures on the Beijing Platform for Action and Croatia's national policy on equality. The Ministry of Education and Sport was responsible for drafting legislation, in cooperation with trade unions and employers' associations, to ensure equal representation of women in executive positions. The Ministry was also drafting guidelines on appropriate use of language with a view to eliminating gender stereotypes. Within three years, the relevant State bodies would amend maternity laws in order to encourage men to exercise their parental rights. The Ministry of Labour and Social Welfare was planning to organize, in cooperation with non-governmental organizations, programmes for women victims of violence.

15. In 1998, the Commission for Equality, in cooperation with political parties, non-governmental organizations and the Council of Europe, would hold discussions on the participation of women in political life. The Government and all ministries were obliged to pay special attention to the equal representation of men and women when making appointments to international delegations.

16. Within one year, teachers would receive human rights training that stressed non-discrimination and gender equality. Within two years, special programmes on equality would be organized for civil servants. Labour and safety inspectors had been instructed to pay special attention to the principle of equal pay for equal work. By the end of 1998, the Ministry of Labour and Social Welfare would begin providing women with free counselling once a month on legal questions relating to employment and, in cooperation with trade unions, would publish information on those questions.

17. Measures were being taken to educate the population about AIDS through the media, the publication of brochures and special instruction in schools. In 1998, a European school network for promoting health would be initiated in cooperation with the United Nations Children's Fund (UNICEF) and, in 1999, a programme entitled "The reproductive health of female students" would be included in the curricula of all Croatian universities. All women entrepreneurs who fulfilled the necessary conditions would be recommended for loans on favourable terms and would also have access to advisory services.

18. Ms. ACAR commended the Croatian Government's efforts to cooperate with civil society and non-governmental organizations in matters relating to gender equality and discrimination. She wished to know why women did not make full use of their rights guaranteed by law, particularly their right to participate in the country's political life. She enquired whether there were any educational programmes or media campaigns to combat traditional patriarchal attitudes and gender stereotypes. While measures to protect mothers improved the situation of women and were in keeping with the principles of the Convention, they could also lead to discrimination and failure to comply with the gender perspective. She requested information on matters of fundamental importance to women, such as violence, political participation, health, employment, marriage and the family and women refugees. Such information should be provided for each ethnic group and religious community.

19. Ms. FERRER said that, according to the report, women were solely responsible for their low level of participation in public life, and enquired whether that was in fact the general belief or whether the advancement of women was a process that involved the entire population, in which case society needed to be sensitized to women's needs. She wished to know how the electoral system in Croatia worked. Information should be provided on the level of participation of women in the electoral process and the number of women in positions of leadership in political parties. She also wished to know how many women candidates stood for election and how many were elected, and whether they could stand for election as independent candidates. Information should be provided on the protection available to women belonging to ethnic minorities and to women refugees and displaced women.

20. She wished to know what percentage of the population lived below the poverty line and what percentage of that population was women. She enquired whether there were any special programmes for incorporating women into the labour force, and whether there were any social assistance programmes. Additional information should be provided on the effect of Croatia's difficult financial situation on its educational system.

21. Ms. OUEDRAOGO requested information on the status of the Commission for Equality, and the financial and technical resources at its disposal. She wished to know whether there was an overall policy for the advancement of women. Lastly, she enquired about women's social mobility and about women's organizations and movements, since the best defenders of women were women themselves.

22. Ms. HARTONO said that she had been pleased to learn that Croatia's general policies and legislation were in keeping with the provisions of the Convention, and that the Convention enjoyed a legal status higher than Croatia's domestic legislation. She hoped that Croatia's national policy on equality and its Commission for Equality would become national machinery. Croatia's initial report had stressed the role of women as mothers and the elaborate social security system to protect mothers; however, she wished to know how other aspects of women's lives and other categories of women, such as single women, were protected.

Article 2

23. Ms. ABAKA said that the incorporation of the provisions of the Convention into Croatian legislation was a commendable development. From information provided by non-governmental organizations, the Committee had learned that in 1992 the Croatian Government had apparently launched a programme for demographic and spiritual renewal. The reporting State should confirm whether that information was true and, if so, what the objectives of the programme were.

24. Ms. FERRER, referring to paragraph 10 of the report, noted the existence of a number of conditions for the implementation of the Convention. The Committee would welcome information on any steps that were being taken to ensure that those conditions were being fulfilled. The reporting State should clarify whether non-discriminatory laws and regulations were being applied to a greater extent.

25. Ms. RYEL asked for a definition of the term "mothers" as used in paragraph 6 of the report, since "mothers" could refer equally to pregnant women or women with grown-up children. She was concerned that a provision specifying "mothers" might disbar women with adult children from obtaining certain types of work if employers believed that such women were entitled to special protection.

26. In any national machinery it was important to stress the gender perspective, otherwise women's rights would be ignored in the wider context of all human rights. In that connection, she was concerned that the ombudsman mentioned in paragraph 7 of the report had too broad a mandate.

27. Ms. CORTI said that, in several of its provisions, the Croatian Constitution referred solely to "man and the citizen". She wondered whether that linguistic infelicity was simply the result of the way nouns were marked for gender in the Croatian language.

Article 3

28. Ms. RYEL said that the report contained very little information on disabled women or any mechanism to ensure that such women enjoyed equal opportunities.

29. Ms. CORTI said that the establishment of the Commission for Equality had been a positive development, but she was concerned that it was composed entirely of representatives of ministries. It would be useful to learn how the Commission incorporated the views of civil society into its proceedings. She wished to know whether or not the Croatian Government intended to establish some kind of machinery to deal with labour issues affecting women or a mechanism for dealing with all aspects of gender equality. The Committee would also appreciate additional information on the Commission's role in advancing women to key decision-making posts. In general, there was a need for greater detail on what the Commission had actually achieved and whether it was following a programme of work that took account of the need to abolish stereotypes and mobilize civil society.

Article 4

30. Ms. ACAR asked how long the special measures designed to provide employment benefits to women with more than four children had been in effect, and how many women had benefited from those measures. Additional information on the educational, social and economic profile of such women would be very useful.

Article 5

31. Ms. CORTI asked whether domestic violence was considered a crime against an individual or against morality. The reporting State should be more specific about the relationship between the courts and female victims of domestic violence; it should indicate whether women were required to prosecute in person or whether they could be represented by an organization. During the trial stage, it was unclear whether a woman was obliged to continue living with the perpetrator of the violence, or whether her departure from her place of residence would entail sanctions of some kind.

32. Ms. ACAR said that, in accordance with information she had received from non-governmental organizations, legislation was being drafted which would make violence within the family a private matter; in other words, proceedings could only be initiated at the request of the injured party rather than through a public attorney. It would be interesting to know whether the new legislation made any provision for restraining orders. The Committee also wished to know whether the Commission for Equality had carried out any programmes to make law-enforcement personnel more aware of the issue of domestic violence.

33. Ms. AOUIJ said that, while Croatian women had been given the tools to surmount legal obstacles to equality, their situation could not be improved simply by amending the law. Attitudes could not be changed overnight. In that connection, she wished to know whether the Commission for Equality had established a special unit to deal with discriminatory and stereotyped images of women in the media and, if so, what authority it exercised. The State party's representatives should be more specific about how the principle of equality was taught in schools.

34. She noted that, according to paragraph 15 of the report, courts had the power to allow the marriage of persons who had reached 16 years of age, and she enquired whether a court's decision to do so conferred legal and civil majority on such persons.

35. Regarding the issue of sexual harassment, the reporting State should indicate whether different penalties applied depending on the sex of the perpetrator. She was also concerned that prevention and deterrence of sexual harassment had been downplayed, and that not enough weight had been given to the concept of aggravating circumstances.

36. Ms. RYEL said that, as far as she was aware, Croatian law considered rape within marriage to be a crime. She noted that the victim was obliged to bring private charges if she wished to take the matter to court. However, it was far more difficult for women to deal with marital rape if they had to continue living with the perpetrator. The Committee would therefore be grateful for

statistics on women's shelters and crisis telephones. Information should also be made available on plans to provide free legal aid to victims of marital rape. Marital rape was also connected with the question of sexual intercourse through abuse of office, and the reporting State should clarify whether that crime included incest; if it did, she wondered why the stipulated prison term was much shorter than that for rape.

The meeting rose at 12.50 p.m.

UNITED NATIONS

CEDAW

Convention on the Elimination of All Forms of Discrimination against Women

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24 March 1998

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Eighteenth session

SUMMARY RECORD OF THE 364th MEETING

Held at Headquarters, New York,
on Wednesday, 21 January 1998, at 3 p.m.

Chairperson: Ms. KHAN

CONTENTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial report of the Republic of Croatia (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Chief, Official Records Editing Section, room DC2-750, 2 United Nations Plaza.

Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

98-80078 (E)

The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial report of the Republic of Croatia (continued) (CEDAW/C/CRO/1)

1. At the invitation of the Chairperson, Ms. Babić (Croatia) took a place at the Committee table.

Article 5

2. Ms. FERRER, referring to paragraph 14, asked the representative of Croatia to describe the measures taken to eliminate gender stereotypes and to educate society about the principle of gender equality. In that regard, she asked whether the Ministry of Education had established specific programmes for children and young people, and whether any specific work had been done to enhance the gender awareness of teachers and health workers. She wished to know whether Croatia's highly placed women media professionals were sensitive to gender issues and sought to further the goals of the Convention. Turning to paragraph 66, did the Programme on Protection and Help for the Victims of Maltreatment also cover domestic violence, was it already being implemented and could some of its results be evaluated? The representative of Croatia should indicate what the law stipulated, and what protection was available, in the case of women whose pregnancy was the result of rape. Were there any programmes for assisting and supporting rape victims? Lastly, was there any cooperation between the Government and non-governmental women's organizations that provided assistance to women rape victims?

3. The CHAIRPERSON, speaking as a member of the Committee, drew attention to the fact that there were some 500,000 refugees in Croatia as a result of ethnic cleansing. She asked whether, despite repeated assurances from the Government that they would be allowed to return safely, female refugees who attempted to return home were still exposed to physical abuse, particularly at the hands of the armed forces and the public authorities. What kind of assistance, if any, had the Government provided for their rehabilitation? Referring to the new penal code under preparation that would no longer require the State attorney to prosecute cases of severe physical injury perpetrated within the family, nor require the police or medical professionals to report such cases, she asked what alternatives were available to women to secure redress in situations of domestic violence, especially since the new code sought to reduce the penalties for violence against women when the perpetrator was a family member.

4. Ms. ESTRADA CASTILLO said that the persistence of gender stereotypes impeded women's full participation in society. She wondered whether the image of Croatian women as mothers and nurturers, and the granting of privileges to women who bore more than four children, was something that Croatian society wished to encourage. What impact had that policy had on the country's age structure? The persistence of domestic violence was the result of violence in society at large; unfortunately, women and children were its main victims. Addressing such behaviour effectively meant educating children against it from

an early age. In that regard, did the Government have a specific policy on the elimination of gender stereotypes and specific plans to educate children in gender equality and a culture of peace.

5. Ms. JAVATE DE DIOS asked the representative of Croatia to confirm whether some employers were putting pressure on women to sign contracts committing themselves to not become pregnant for a period of five years after taking up employment, and to indicate what measures, if any, the Government was taking in that regard. She was particularly concerned about the increase in the number of cases of violence against women, especially unreported cases. Why was it that women did not report crimes of sexual harassment and violence against them, and were there any support programmes, shelters or counselling centres for the victims of such crimes and confidential procedures to protect their identity? In that regard, gender sensitivity among police officers and judges was vital to the success of any intervention programme on behalf of victims of violence. She was concerned about the idea of classifying rape and sexual violence as gender-neutral; placing women on a par with men in that regard missed the point. Such violence was overwhelmingly gender-specific.

Article 6

6. Ms. BUSTELO GARCIA DEL REAL asked for comprehensive information on how legislation relating to article 6 of the Convention was being applied. Certain aspects of paragraphs 22 and 23 of the report were not clear in that regard. She asked whether the legislation aimed at preventing traffic in women and girls was actually being applied and what penalties were imposed. The report provided some data on the implementation of the legislation on prostitution, but none on traffic in women. Nor did it indicate whether persons charged with such offences had subsequently been convicted.

7. The representative of Croatia should confirm whether procuring was now an offence, rather than a misdemeanour, indicate what penalties applied thereto and whether the exploitation of prostitution had actually been curbed by amending the relevant law. Did the laws on violence against women, particularly rape, apply equally to women prostitutes? Was emigration monitored to prevent traffic in women for purposes of prostitution?

8. Ms. JAVATE DE DIOS asked whether there were any programmes for women who wished to abandon prostitution and whether there were any data on international prostitution and traffic in women. Did the Croatian Government intend to enter into agreements with other countries where traffic in Croatian women had occurred, with a view to preventing such traffic?

Article 7

9. Ms. Yung Chung KIM said that she had been impressed by the large number of women in the judicial sector. Nevertheless, women were unrepresented or under-represented in high-level decision-making judicial bodies such as the Constitutional Court and the Bar Council; of the latter's 31 members, only one was a woman. She would like to know whether women played a leadership role in political parties, what percentage of political party members were women and what percentage of women had stood as candidates for parliamentary and local

government elections. She also wished to know whether the Government and non-governmental organizations had any programmes for training women for decision-making positions, whether there were any factors that prevented women's participation in trade unions and whether any measures had been taken to encourage such participation. The representative of Croatia should indicate the extent to which women's organizations were involved in policy-making, and whether there were any mechanisms to ensure such involvement.

10. The CHAIRPERSON asked why women's participation in local and national politics had decreased dramatically since Croatia's independence, whether there was a quota system for women's participation in politics and whether there were any public education or information programmes to promote greater participation by women in decision-making and political life. Was there a relationship between the tendency for women not to exercise their rights in that regard and the high priority given to women's role as mothers?

Article 10

11. Ms. FERRER asked whether any specific measures had been taken to address the problem of female illiteracy.

12. Ms. Yung Chung KIM asked what measures had been taken to achieve a balance in the number of men and women principals in both primary and secondary schools. The representative of Croatia should give information on the qualifications and background of educational advisers and indicate whether they were appointed or elected, and by whom. Were such advisers involved in the formulation of national policy? Could school textbooks which continued to stress the traditional role of women be changed and what body had the authority to make such changes? It would be interesting to know the views of non-governmental organizations and women's organizations on that issue. She also asked about the number of women pursuing post-graduate degrees and the number of women faculty members at the university level, and their respective fields.

13. Ms. JAVATE DE DIOS said that although paragraph 46 indicated that material implying the traditional role of women had been removed from textbooks, the oral presentation had given the impression that a great deal of emphasis was placed on women's role as mothers. It was important for women to be presented in their variety of roles in society. She asked what efforts were being made to introduce women's studies in schools and universities and what emphasis was being placed on human rights education, particularly after a period of war and human rights abuses.

Article 11

14. Ms. FERRER said that the report did not provide a clear picture of the current situation of working women because the statistics were out of date. She asked what percentage of women were in the economically active workforce, including women working part time or in domestic work, and requested information on occupational categories, as well as on the availability of training and refresher training and job placement for unemployed women: were women who supported their families given any kind of priority?

15. She asked how the principle of equal pay for work of equal value was being put into practice in the State and private sectors and requested data on the percentage of women who held managerial positions in Croatia's economic structure.

16. Ms. SHALEV, referring to paragraph 58, said that restrictions on women's right to employment, such as limitations on overtime and night work, had been mentioned in the report and in the oral presentation as examples of the protection of working mothers against discrimination. However, the underlying motive seemed to be patriarchal, since such provisions had the effect of restricting women's economic autonomy and status and discriminating against them. If women with children under the age of two could not work overtime or at night, they did not have access to extra pay; there was no reason why men should not take care of small children in the evening. The restrictions on hard physical labour were presented as a means of protecting women's reproductive role, but the restrictions did not apply to health-care workers, despite the strenuous physical work which they often had to do. That situation simply reinforced the stereotype that it was women's work to take care of dependent people. It was not clear why there was so much concern about women's health, but not men's health, and why it was acceptable for men, but not women, to do night work. The Government should review its policies from the perspective of women's autonomy with respect to employment.

Article 12

17. Ms. SHALEV said that the report provided an impressive amount of data on the health-care system, but the data were out of date and therefore not very useful, especially in view of the political changes which had taken place in Croatia. It would be helpful to have an analysis of the data and a description of the women's health policies which had been developed on the basis of that information. She requested information on the financial resources allocated to the health insurance system; what percentage of the budget was being allocated to it by comparison with previous years?

18. Information from non-governmental organizations indicated that there had been cuts in health-care services, primarily contraception and legal abortion; since those were services which women needed, such cuts could constitute discrimination under the Convention. What other services had been cut?

19. Referring to paragraph 61, she asked whether there were different categories of insurance for men and women and whether coverage was available for women who did not work outside the home. She requested statistics on the number of women who were uninsured, as compared with the number of men.

20. The report referred to sick leave to care for a spouse or child; what provision was made for women to receive remuneration for the work involved in caring for elderly and disabled family members? In view of the increase in the size of the elderly population (para. 64), was there a policy to improve community nursing services?

21. Paragraph 63 indicated that refugees and displaced persons were entitled to free primary health care and emergency care; how did their rights differ from

those of fully insured persons? To what extent did they have access to public health services, especially if they were victims of sexual violence, and to contraception and abortion?

22. She requested gender disaggregated data on male and female mortality and morbidity, especially that caused by HIV/AIDS; had there been any increase in the incidence of HIV/AIDS among women? What resources were being allocated to medical research, and how much research was addressing women's health, as opposed to men's health?

23. With regard to contraception, she asked which methods of contraception were available. Were they accessible to women in all parts of Croatia? What were the rates of use of the different methods? Had there been an increase in the number of abortions following the cuts in funding for contraceptive services? What did contraception and abortion cost in relation to average income? What had been the effects of the withdrawal of State funding? What contraceptive information and counselling services were provided? Were there education programmes to for young people, particularly about sexually transmitted diseases, HIV/AIDS and male responsibility for reproduction?

24. With regard to teenage pregnancy, it was not clear to which year the statistics referred. She requested statistics on the number of pregnancies in each age group. If a minor could not obtain an abortion without her parents' consent (para. 67), that violated her right to confidentiality and could be a deterrent to her seeking health care. She requested information about the new legislation on abortion. A non-governmental organization had reported that several hospitals in Croatia had been refusing to perform abortions on moral grounds, and the report indicated that the Ministry of Health had voided a decision by the "Sisters of Mercy" clinical hospital in Zagreb not to terminate pregnancies (para. 69); had similar steps been taken elsewhere? In some cases, a hospital might be the only health-care facility in a given geographical area, and if it refused to perform abortions, a woman's right to an abortion could be severely restricted.

25. Referring to paragraph 72, she asked whether the Government of Croatia had addressed the gender differences in drug and alcohol abuse.

26. Ms. ABAKA said that it was commendable that the Government of Croatia had incorporated the Convention into national law; she asked whether anyone had invoked the Convention before the courts to challenge a violation of women's rights.

27. The report placed great emphasis on the role of women as mothers; she asked whether that was because society regarded women mainly as mothers rather than as individual human beings. It was commendable that gynaecological care was provided as part of primary health-care services; that was not the case in all countries, even some rich countries. Did women from all ethnic groups have access to gynaecological care, and was it free? She requested information on the ratio of resources allocated to contraception, abortion and sterilization as compared with those allocated to infertility treatment. Did medical and paramedical personnel receive education in women's rights? Such education was

important, because it seemed that some doctors were refusing to perform abortions.

Article 14

28. Ms. OUEDRAOGO said that the information provided on article 14 was inadequate, given the broad scope of that article. She asked whether development programmes and projects had been or would be implemented for the advancement of rural women, who were often at a disadvantage compared with urban women.

Article 16

29. Ms. Yung Chung KIM, referring to paragraph 90, said that it was unusual for the question of division of labour in marriage to be included in the law. However, it was indicated in paragraph 92 that Croatian women filed for divorce much more often than men, in some cases because they were burdened with household duties and childcare; did that mean that, in practice, there were problems with the division of labour in marriage? What measures were being taken to narrow the gap between the law and its implementation? Were they any means of redress for women, other than divorce? Were men aware of the law? Were any services available for improving family relations or for providing legal aid?

The meeting rose at 4.30 p.m.

UNITED NATIONS

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Convention on the Elimination of All Forms of Discrimination against Women

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5 June 1998

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Eighteenth session

SUMMARY RECORD OF THE 365th MEETING

Held at Headquarters, New York,
on Thursday, 22 January 1998 at 10.15 a.m.

Chairperson: Ms. KHAN

CONTENTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial report of Zimbabwe

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98-80085 (E) 080698

The meeting was called to order at 10.25 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial report of Zimbabwe (CEDAW/C/ZWE/1)

1. At the invitation of the Chairperson, Ms. Lesabe, Mr. Zamchiya, Mr. Chiweshe and Ms. Dangarembizi (Zimbabwe) took places at the Committee table.

2. Ms. LESABE (Zimbabwe), introducing the initial report of Zimbabwe (CEDAW/C/ZWE/1), said that Zimbabwe had demonstrated a strong political commitment to the advancement of women and was one of the most progressive countries in Africa with regard to gender issues, as evidenced by the establishment of national machinery for the advancement of women and the appointment of gender focal persons in all ministries. However, the Zimbabwean Government was aware that major obstacles to gender equality still existed, including negative attitudes towards women and retrogressive customary laws and practices. Moreover, many women remained ignorant of their rights and were hesitant to exercise them. The Government had nevertheless resolved to maintain and continuously review policies designed to improve the situation of women. Zimbabwe's initial report was the product of a broad consultative process involving the Government and non-governmental organizations and research institutions involved in gender and development issues.

3. Mr. ZAMCHIYA (Zimbabwe) said that, prior to 1997, the Zimbabwean Constitution had made no mention of sex discrimination. That omission had since been rectified. In 1981, the Government had established the Ministry of Community Development and Women's Affairs as the national machinery for the advancement of women. The Ministry's mandate had been to promote the development of women and their integration into social, economic and cultural life. Although the Ministry had been subsequently dissolved, the national machinery continued to exist. The main objective of the machinery was to make all government policies and programmes gender-specific, provide policy guidelines and monitor the status of women. Gender focal persons, whose purpose was to expedite gender-responsive planning and ensure that government policies and programmes integrated gender concerns, had been appointed to all ministries.

4. Women who suffered sex discrimination could seek redress from the courts and the Office of the Ombudsman, whose powers had been extended to include investigations of human rights violations. The Government had also established victim-friendly courts in order to protect vulnerable witnesses when they gave evidence. In such courts, a vulnerable witness was allowed to give evidence from a separate room, a procedure that had been helpful mainly in cases involving child abuse and rape. As a result of that innovation, such cases were increasingly being tried in the courts.

5. Exact statistics on violence against women were not known since most cases went unreported. However, more and more victims were reporting such cases because a supportive environment now existed. Many of the police officers handling such cases had been trained in gender-awareness, and a study of the

existing laws dealing with violence was being carried out to establish whether it was necessary to enact specific legislation on violence.

6. Although the Zimbabwean Constitution made no specific reference to affirmative action, a number of such programmes were in place. Affirmative action was designed to enhance the participation of women and girls in education, employment and politics. Despite policy pronouncements by the Government about the need for gender equality, practical progress had been slow. Traditional attitudes towards sex roles continued to prevail in Zimbabwe. Women were viewed as full-time mothers and housewives subordinate to men. Males were still considered to be breadwinners responsible for supporting their families. Social, cultural and economic institutions in Zimbabwe were hostile to women's adoption of non-traditional roles. However, given the harsh realities of the current structural adjustment programme, gender roles were beginning to change as more and more women were entering the informal sector in order to supplement family income. In addition, the Government had embarked on a programme to review all school textbooks for gender responsiveness.

7. The Government's position on prostitution and trafficking in women was prohibitionist, a stance that enjoyed wide social acceptance. In practice, however, punitive measures were taken against women soliciting for the purpose of prostitution but not against men who bought sexual services. The Government had been very slow in addressing that problem.

8. Public and political life was still dominated by men, although there were no legal barriers to female participation. Previously, there had not been much social, financial or moral support for women with political ambitions since politics was widely considered to be men's work. However, the national machinery for the advancement of women had embarked on a nationwide programme to increase female participation in politics and decision-making processes. The Government had announced an affirmative-action policy designed to ensure that 25 per cent of rural council positions were held by women by the year 2000.

9. There was no law that prevented a woman from representing her country at the international level. However, such women were few. In 1995, Zimbabwe had only four female ambassadors and high commissioners out of a total of 33. Figures on female representation in other international bodies were not readily available.

10. Prior to a 1996 constitutional amendment, a foreign woman could acquire Zimbabwean citizenship by registration through marriage to a Zimbabwean man, whereas a foreign man married to a Zimbabwean woman did not enjoy the same right. That kind of discrimination no longer existed, since the qualifications required for male foreign spouses now also applied to female spouses. Women could transmit their citizenship to children regardless of whether or not they were married.

11. Gains had been made in the education of girls, as evidenced by the equal numbers of boys and girls attending primary school. However, the drop-out rate of females from secondary schools was still higher than that of males, and secondary and post-secondary schools were still male-dominated. Government measures to reduce the drop-out rate had not proved effective and there were

consequently fewer women eligible for vocational, tertiary and university education. In 1995, the University of Zimbabwe had introduced an affirmative-action policy for female enrolment, which had increased enrolment from 26 per cent in 1995 to 36 per cent in 1996.

12. Women continued to be under-represented in all areas of the teaching profession except in the field of early childhood education. Although women's and men's university achievement records were equal, surveys had shown that women were not hired, promoted or given access to career development to the same extent as men. That practice was particularly widespread in the private sector.

13. Pregnant schoolgirls were given an opportunity to continue their education after the birth of their children. The policy of expelling pregnant student teachers had also been reviewed following a High Court judgement, and pregnant student teachers would now be allowed to continue their studies. The Ministry of Education, Sports and Culture was preparing a human rights curriculum that would be taught throughout Zimbabwe's primary and secondary schools.

14. Women were free to pursue any profession in Zimbabwe, although they tended to be concentrated in those areas that reflected their role as mothers and in low-paying jobs. Few women had entered traditionally male professions, although they were not disbarred from doing so by law.

15. The Government's policy of health for all sought to ensure that everyone, regardless of sex, had access to health services. However, gains made in the health sector were being eroded by the HIV/AIDS pandemic, which had increased the burden of work on women, since most caregivers were women. Services had been developed to provide a wide range of family-planning methods and counselling. Male-motivation programmes were also in place to ensure that women were not entirely responsible for birth control.

16. Married women had the right to acquire and register immovable property without the assistance of their spouses, and both married and single women could borrow from any lending institution in their individual capacity. However, many banks, concerned that women would be unable to repay loans because of their lack of collateral and business skills, refused to lend money to women or would do so only with their husband's consent. Although the national sport, recreation and cultural policy specifically provided for equal opportunities for women, girl children and people with special needs, few women participated in sporting, recreational and cultural activities. An amendment to the Income Tax Act had ensured that men and women were taxed according to their income, regardless of their marital status.

17. Although rural women provided most of the temporary, casual and seasonal labour in commercial agriculture, they had little control over the land and could not use it as collateral for agricultural loans. In communal areas, they had no primary land-use rights even though they provided most of the agricultural labour. Health and educational facilities in rural areas were of a lower quality than those in urban areas.

18. Under the Constitution, everyone was entitled to equal protection of the law. Women could sue and be sued in their own capacity, and the courts were

supposed to treat men and women equally. However, women's groups had complained that the courts did not take cases of domestic violence seriously and were too lenient with offenders. Since not many women could afford legal services, and few lawyers ever took up cases on their behalf free of charge, the implementation of the 1997 Legal Aid Act would be of great benefit to women. Although men and women enjoyed freedom of movement and had the right to choose their place of residence, under common law a married woman assumed her husband's domicile and could not acquire her own as long as they remained married.

19. Marriage was governed by both general and customary law. General law gave a married woman more rights than did customary law, particularly in the case of unregistered customary-law marriage. However, most women living in rural areas contracted unregistered customary-law unions. In practice, customary marriage was an agreement between two families whose terms and conditions were negotiated between the two kin groups. Religion rather than law dominated in Zimbabwe, and many women still had little say in important issues relating to their marriages. The two partners in a marriage were expected to contribute to each other's maintenance. Divorced women who had married under general law or who had registered their customary-law unions were entitled to a share of the matrimonial property and to maintenance. However, divorced women seldom claimed maintenance for themselves. In divorce suits, courts invariably awarded mothers custody of their minor children.

20. Inheritance rights were governed by both general and customary law and, in some cases, a deceased person's estate was governed by both systems depending on the category of property in question. Furthermore, the distribution of an estate was frequently determined at the family level. Until July 1997, a wife could not inherit any of her husband's property because customary law was patrilineal. Currently, the surviving spouse(s) and the children of the deceased person were the major beneficiaries. Moreover, the surviving spouse(s) subject to customary law had a direct right to inherit from the intestate of a deceased spouse. Those changes had been brought about through cooperation between the Government and non-governmental organizations and had put an end to untold economic hardships for widows and children. Local non-governmental organizations had formed alliances with parliamentarians to lobby on various issues related to the advancement of women. The Government had welcomed that relationship and acknowledged receipt of the "shadow report" submitted by non-governmental organizations.

21. The national machinery for the advancement of women had prepared a list of statutes that did not conform to the Convention and had submitted it for consideration to the Ministry of Justice, Legal and Parliamentary Affairs. In particular, the Communal Lands Act needed to be amended in order to ensure that allocation of land under customary law, particularly in rural areas, did not discriminate against women.

22. The Convention had been translated into Shona and Ndebele, two major vernacular languages of Zimbabwe, and had been simplified into stories depicting the theme of each article in order to ensure that all people understood the Convention.

Article 2

23. Ms. ABAKA welcomed the fact that Zimbabwe had ratified the Convention without reservations and that it had established national machinery for the advancement of women. She was therefore surprised that Zimbabwe had taken so long to ratify the Convention, and she wondered whether there had been opposition to ratification. She asked what was being done to ensure that the benefits of the national machinery were available to rural as well as urban women, and requested information on the level of financial resources that were being allocated to programmes developed within the framework of that machinery.

24. States parties were expected to provide information on how they were implementing the Committee's general recommendations, and she wondered whether the Government was aware of those recommendations since the report made no mention of them. She requested information on what had been done to implement the Beijing Platform for Action.

25. It had been stated that women could lodge complaints of violations of their rights with the Ombudsman, and she enquired whether the Ombudsman's recommendations were legally binding. She also wished to know whether the provisions of the Convention had been incorporated into Zimbabwe's domestic law and whether victims could seek redress from the courts when their rights under the Convention were violated.

26. She welcomed the decision to train the police in the handling of victims of human rights violations. Similar training should be provided to doctors, nurses and paramedics, since the victims of such violence often required medical treatment.

27. Ms. BERNARD wished to know why the Ministry of Community Development and Women's Affairs had been dissolved, since government bodies of that nature were particularly important to the advancement of women. While she welcomed the decision to place foreign spouses of Zimbabwean men and women on an equal footing with regard to eligibility for citizenship, she hoped that further changes would be forthcoming, since the current system appeared to leave both foreign husbands and foreign wives at a disadvantage. It was encouraging that affirmative action was being taken to ensure the participation of women in the rural councils, and she hoped that efforts would also be made to increase the number of women mayors and judges. Women in all countries were hesitant to take a role in politics, and Governments must take steps to encourage them to do so.

28. Ms. FERRER GOMEZ said that the Committee recognized that cultural and traditional practices, particularly among the rural population, made it difficult for the Government to implement the Convention. She requested additional information on the functions of, and resources available to, the Department of Women's Affairs, gender focal persons and the Minister of State in the Office of the President responsible for women's affairs, and asked whether they cooperated with one another and whether there was a hierarchy among them. She wished to know whether the Government had any plans to re-establish the Ministry of Community Development and Women's Affairs or another similar body.

29. Ms. OUEDRAOGO said that it would be useful to know whether or not non-governmental organizations had participated in drafting Zimbabwe's initial report. She enquired whether any methods other than translation into local languages were used to disseminate the Convention in Zimbabwe. Information should be provided on the extent of illiteracy among women. She asked whether the staff of technical ministries involved in project implementation received gender-sensitive training. The Committee would also welcome additional information on personal and family codes in Zimbabwe.

30. Ms. HARTONO said that she hoped that the transfer of the Department of Women's Affairs to the Ministry of National Affairs, Employment Creation and Cooperatives would give greater impetus to its activities. The economic, political and social realities of women in Zimbabwe appeared to be far from ideal and the vast majority of women seemed unaware of their rights. She wondered what steps had been proposed to increase not only women's awareness of their rights but also men's awareness of their legal obligations. The Committee would also welcome information on how the current political unrest in Zimbabwe was affecting women and children.

31. Ms. RYEL said that the text of the Sex Discrimination Removal Act should be made available to the Committee. She also wished to know whether the Act prohibited sex discrimination that was otherwise permitted by customary law, and whether it covered all areas of social life. She wondered whether the absence of a specific definition of discrimination might not make it easier to promote affirmative action. She welcomed the appointment of gender focal persons as part of the national machinery to promote the equality of women.

32. The establishment of the Office of the Ombudsman and the proposal to broaden its mandate to include investigations of alleged human rights violations had been a positive development. She wondered whether the Ombudsman was still a woman, since that would encourage women to make use of the Office. It was important for the Government to provide the Office with adequate resources for its work.

33. She had noted with satisfaction that the Unit of Women's Affairs sponsored a "Women and the Law Project" for the purpose of disseminating information on family law and other relevant laws to the public in general and women in particular. That project could be supplemented by an internship system under which female law students provided legal assistance to women free of charge.

34. Ms. Yung-Chung KIM stressed the importance of disseminating the Convention and other legal instruments for the protection of women's rights. In that connection, she was pleased that the Convention had been translated into two of Zimbabwe's vernacular languages. She asked what impact the constitutional amendment to prohibit gender-based discrimination had had on the observance of customary laws. It would be interesting to know what contribution women's organizations had made to the preparation of the report. The Committee would also welcome information on the Government's financial commitment to the programme to combat discrimination against women, since adequate funding for such programmes was usually a reflection of political commitment.

35. Ms. JAVATE DE DIOS welcomed the participation of women's consultative groups and non-governmental organizations in the preparation of Zimbabwe's initial report. She was particularly pleased that a number of non-governmental organizations had independently shared their views with the Committee. Additional information should be provided on ways of enhancing the effectiveness of affirmative-action programmes; the current situation of violence against women; traditional and cultural practices that directly or indirectly hampered the advancement of women; and whether there was any resistance among men to the Government's policies on women.

36. Ms. AOUIJ said that the prevalence of customary-law marriage meant that women were not protected under the general law. The Government of Zimbabwe should make efforts to unify all laws in order to bring its legislation into line with the provisions of the Convention. The establishment of the Office of the Ombudsman, and especially the fact that the Ombudsman was a woman, had been a positive step towards the advancement of women. It would be useful to know the exact scope of the Ombudsman's authority.

37. Ms. FERRER requested additional information on the conditions under which acts were deemed not to be discrimination on the grounds of sex. She wished to know whether any women had claimed compensation for any damage they might have suffered as a result of discrimination. She also asked whether the Government was considering any new bills on women's equality or amendments to discriminatory laws. With regard to food entitlements, she suggested that the special provisions for women should be strengthened.

38. Ms. BERNARD said that Zimbabwean law recognized customary-law marriages for purposes relating to the status, guardianship, custody and rights of succession of children, but that no provision had been made for the equitable distribution of matrimonial property, and she wished to know whether there were any plans to rectify that situation.

39. Ms. ACAR asked what was being done to combat the strong traditional attitudes and practices that relegated Zimbabwean women to subservient positions, and whether those attitudes and practices were punished publicly and frequently at all levels of society. She also wished to know whether there were media campaigns to combat stereotyping, especially in areas where such stereotyping was prevalent. She asked whether the Government was sensitive to the social cost of the integration of women into the labour force as a result of its structural adjustment policy. Lastly, she wished to know the extent to which polygamy was practised in Zimbabwe, and the Government's attitude towards that practice.

Article 3

40. Ms. LIN Shangzhen commended the Government of Zimbabwe for the measures it was taking to achieve gender equality. She requested additional information about the structure and activities of women's organizations in Zimbabwe.

Article 4

41. Ms. FERRER asked about the Government's plans to encourage women to stand for election to political posts. In particular, she wished to know whether the Government intended to establish a quota system.

42. Ms. JAVATE DE DIOS said that the Government of Zimbabwe should consider adopting affirmative-action policies that promoted gender equality. She wished to know if, apart from the University of Zimbabwe, there were other universities or government bodies that encouraged admission of women through affirmative action. In the light of the widening gap between the number of men and women in politics, she urged the Government to consider instituting a quota system, as well as time-frames and numerical targets for the advancement of women. Implementation of the provisions of article 4 of the Convention could help improve the situation of unemployed female heads of household in Zimbabwe.

Article 5

43. Ms. RYEL said that the practice of paying a dowry made it difficult to change traditional attitudes about women, and she wished to know whether the Government was planning to eliminate that practice. She had learned from other sources that women dressed in ways that others deemed inappropriate were sometimes stripped in public, and she wished to know whether that was true. She also requested information on domestic violence; in particular, she wished to know if there were shelters available to victims of domestic violence. Efforts to reduce domestic violence should focus on changing the behaviour of perpetrators of such violence.

44. Ms. JAVATE DE DIOS said that Governments were responsible for creating an environment conducive to eliminating discrimination and gender stereotypes. She had received information from non-governmental organizations about violence committed against women, including stripping, rape, sexual harassment and female genital mutilation. She requested information about such occurrences, and wished to know how the Government was dealing with them. With regard to domestic violence, it was important to consider the reasons why men committed acts of violence against women and why society considered such behaviour acceptable.

The meeting rose at 1 p.m.

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SUMMARY RECORD OF THE 366th MEETING

Held at Headquarters, New York,
on Thursday, 22 January 1998, at 3 p.m.

Chairperson: Ms. KHAN

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Initial report of Zimbabwe (continued)

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98-80094 (E)

The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial report of Zimbabwe (continued) (CEDAW/C/ZWE/1)

1. At the invitation of the Chairperson, Ms. Lesabe and Mr. Zamchiya (Zimbabwe) took places at the Committee table.

Article 5

2. Ms. FERRER said that the initial report had described frankly the social and cultural patterns, including stereotyping in the mass media, that stood in the way of achieving equality for women in Zimbabwe, as well as the kind of efforts that would be needed on the part of the Government, non-governmental organizations and the media to overcome that situation. She would like to know whether any specific programme of action existed to guide those efforts.

Article 6

3. Ms. JAVATE DE DIOS said that more data were needed in order to assess the real situation with regard to the prostitution and exploitation of women. The report described the laws on prostitution in Zimbabwe as prohibitionist, but it appeared that only women involved in prostitution were penalized, while their male clients were not.

4. Information received from non-governmental organizations indicated that the Miscellaneous Offences Act was enforced in such a way that any unaccompanied woman in a public place ran the risk of being arrested and charged on a mere presumption of loitering for the purpose of prostitution. That was a potentially dangerous and oppressive situation for women's rights. She would like to see more data on the number of arrests for prostitution. It would also be interesting to know whether there were any intervention programmes to provide prostitutes with an alternative livelihood, and whether any efforts were being made to change male behaviour.

5. Ms. BUSTELO GARCIA DEL REAL noted that the report, with commendable frankness, acknowledged that total elimination of the prostitution of women would necessitate a long-term structural change in the social and economic conditions under which men and women lived in Zimbabwe. Since, under the Convention, national legislation was required to be as effective as possible, it would be helpful to see the text of the legislation in that area. Such legislation should also be non-discriminatory and protect the fundamental rights of prostitutes, but if it made prostitution a crime only for the woman, it could clearly be considered discriminatory. She asked whether, in fact, both prostitutes and their clients were subject to arrest and punishment and, if so, what penalties were imposed. She would also like to know whether a prostitute could file a complaint of rape, both in law and in practice, and whether prostitutes had equal access to health services, including education on and means of prevention of sexually transmitted diseases.

6. Illegal immigrants were often victims of traffic in persons; she asked whether there were any specific laws which protected them and allowed them to testify against traffickers, or whether they were subject to deportation.

7. Lastly, she asked whether the national machinery for women included any measures to meet the needs of prostitutes and provide protection for their basic rights.

Article 7

8. Ms. CORTI said that, although there might be no legal barriers to women's participation in public life, the report enumerated many de facto barriers. In the light of the statement that women had more confidence in male than in female politicians, it might be interesting to study their level of satisfaction with political life in Zimbabwe. The national machinery and the President of the Republic himself, had made commendable efforts to encourage women's political participation, but she would like more specific information on what the political parties had done in that area. She would also like to know whether there was any difference in the status of women Members of Parliament who had been appointed by the President and those who had been elected. Lastly, she would like to know more about the position of women in trade unions.

Article 9

9. Ms. CORTI said that, in her view, the Citizenship Act was not consistent with article 9 of the Convention, since it clearly favoured the rights of men over women; she enquired whether any proposals had been made to amend it.

10. Ms. RYEL asked whether, in Zimbabwe, a mother could transmit her nationality to her children regardless of whether or not she was married to their father, and whether both parents received equal treatment in that respect.

Article 10

11. Ms. Yung Chung KIM said that she was concerned at the continued restrictions on girls' access to education, which lay at the root of their lifelong situation of inferiority. She would like to know whether the measures described in the report to keep girls in school had been implemented, and if so, whether they had been successful. It would be useful to have statistics on the number of girls who had taken advantage of the chance to continue their education after pregnancy, and on the amount of financial assistance or subsidies which they had received.

12. It was commendable that the Ministry of Education had devised a curriculum for human rights education; however, that curriculum must also include gender equality and sex education. She would like to know whether any women's studies programmes were available at the university level.

13. Ms. CORTI enquired whether the private religious schools mentioned in the report were financed by religious groups or the State, and whether any efforts would be made to eliminate educational stratification by income level.

14. Ms. OUEDRAOGO, noting the persistent problems of education in all developing countries, said that States nevertheless had to strive to come up with appropriate solutions to issues such as the high drop-out rate for girls. She asked whether the Government of Zimbabwe had any specific programmes in that regard. A highly successful programme had been carried out in her own country, Burkina Faso, for girls between the ages of 11 and 18 who had dropped out of school. The girls had been given marketable skills and had gained a proper grasp of such areas as agriculture, various trades and cooperatives. Moreover, their educational level had been enhanced and they had acquired a knowledge of family planning that would go a long way towards addressing the problems of unwanted pregnancies, abortions and abandoned children.

15. Structural adjustment programmes had a particularly adverse impact on education, a sector which remained Africa's greatest hope. Such programmes restricted educational opportunities for girls, since parents with limited resources often tended to give priority to the education of boys. Given such problems, developing countries needed to devise comprehensive solutions and to implement some kind of affirmative action to promote education for women. She asked whether the wearing of school uniforms was compulsory throughout Zimbabwe, including in rural areas. Her Government had discontinued the wearing of school uniforms in rural areas because poorer rural families with many children could not afford to pay for them. Indeed, school uniform could have the unintended effect of heightening social discrimination. She would welcome the views of the representatives of Zimbabwe on the issue. She applauded the introduction of human rights courses in schools, which she believed might eventually help to change young people's attitudes and reduce the level of violence against women.

16. Ms. JAVATE DE DIOS said that Zimbabwe's next periodic report should contain quantifiable indicators on the drop-out rate for girls and on measures taken to remedy that situation. She asked whether pregnant girls who were allowed to continue their studies were harassed or stigmatized in any way, and whether the Government had supportive programmes for girls who had given birth. It was also important to train teachers in gender equality and non-discrimination.

Article 11

17. Ms. CORTI said that there seemed to be de facto employment segregation in Zimbabwe. There was a tendency not only to perpetuate women's role as mothers and caregivers, but also to push them into lower-income jobs; even the report stated that the needs of domestic employees were often ignored. In that regard, given the very large number of domestic employees in a country with low income levels, she wished to know how much such workers were paid, how many hours they worked and whether they were able to take leave without losing their jobs. Had the Government received any complaints about violations of labour laws in that regard? Were there any trade unions in that sector, and how many women members did they have? She asked whether part-time workers were covered by the social security scheme. How far had the Government gone in harmonizing its labour laws? Given the importance of employment as a fundamental human right, there seemed to be no provision under Zimbabwean law for the protection of women workers. How did the Government envisage changing that situation?

Article 11

18. Ms. ABAKA commended the Government for adopting the primary health care approach. Noting that, under health policy, rural clinics and health centres were supposed to provide services free of charge, she asked whether that policy was being monitored and evaluated to ensure that it was being properly implemented. Was the urban poor population also entitled to similar benefits? She had the impression that health policy focused exclusively on services and treatment and did not address social and environmental factors. The report mentioned malnutrition and malignancies as being among the most common causes of morbidity in Zimbabwe. If such malignancies included breast tumours, could early detection measures be undertaken? What proportion of the village community health workers were women?

19. It was vital for the Committee to have information on Zimbabwe's economic growth. The report also did not contain any information on cooperation with non-governmental organizations in the area of the reproductive and sexual health needs of adolescents and women, although there were many dynamic non-governmental organizations operating in Zimbabwe. In what areas was the Government working with non-governmental organizations? Zimbabwe's rather unscientific methods of reporting on maternal mortality did not facilitate identification of the various causes of such mortality. Planning for safe motherhood required the compilation of detailed statistics on the actual causes of maternal mortality.

20. Ms. SHALEV congratulated the Government on the political will which it had shown in providing for the health care of its population. Zimbabwe's health care system was facing a serious challenge in the form of the HIV/AIDS pandemic, however. The report did not provide much information on the factors that were impeding implementation of the Government's policies for combatting that pandemic, particularly the financial constraints. The report indicated that women in the 15 to 19 and 20 to 29 age groups accounted for 84 per cent and 55 per cent, respectively, of all AIDS cases in those groups. According to information from non-governmental sources, 25 per cent of pregnant women attending prenatal clinics had been found to be HIV-positive. It was therefore likely that a significant percentage of children born in Zimbabwe would be born with the infection or would contract it through breastfeeding. Women were clearly very central to the health of Zimbabwe's population and it was therefore crucial to educate them about HIV/AIDS. She would appreciate information on the kinds of national programmes and resources being allocated for that purpose. Were such programmes a priority for the Government? She would also appreciate any information on models of home-based care for people with HIV/AIDS. What was being done to reduce the stigma of HIV/AIDS so that people would not deny that they had it?

21. With regard to the national family planning programme, she asked whether contraception was still being subsidized or provided free of charge to poor women, despite economic constraints. Non-governmental organizations had reported that the rate of teenage pregnancy in Zimbabwe was quite high; she requested data on that subject. Non-governmental organizations had also reported that, although contraceptives were generally available, health professionals in family planning clinics, both public and private, sometimes

denied contraception to young women; the report, too, indicated that it was not unusual for health personnel to turn away schoolgirls requesting contraceptives. She asked whether the Government had taken any steps in that regard. Had it considered the possibility of providing human rights education for health care professionals, so that they would be sensitized to the sexual and reproductive health rights of young women? She requested information on the extent and outreach of the health education programmes carried out in schools.

22. With regard to abortion, she asked whether women who underwent illegal abortions were actually prosecuted under the Termination of Pregnancy Act. Since women were resorting to abortion despite the provisions of the Act, she wondered whether the Government planned to review the appropriateness of the existing law. It had been reported that, in the case of a woman who had become pregnant as a result of rape, the criminal prosecution had taken so long that, by the time rape was established, the women had already given birth; that was a tragic and cruel situation. Such incidents suggested that the Government should liberalize the law and remove the penalties on women who underwent abortions.

Article 14

23. Ms. OUEDRAOGO said that one of the most important aspects of article 14 was the participation of women in the elaboration and implementation of development planning; the report provided information about various development activities and programmes, but gave no indication of the level of women's involvement in them. It was very important for women to have access to credit, if possible through a special bank for women, so that they could undertake income-generating activities.

24. She asked whether any survey had been carried out to determine whether female circumcision, including hidden forms of that practice, was being performed in rural areas, since traditions were often deep-rooted in the countryside. Archaic methods of female circumcision could lead to the rapid spread of HIV/AIDS.

25. Polygamy and domestic violence were much more common in rural than in urban areas; women must be alerted to the need to report such problems. She asked whether the Government was providing any kind of education for family life in rural areas, in order to ensure better protection of the rights of women, avoid situations of inferiority and prepare young people for the responsibilities of marriage.

26. One of the major problems faced by African women, especially in black Africa, was lack of free time because of long hours of work. The burden of household and field tasks undermined women's health and left no time for income-generating activities; she wished to know whether the Government had instituted any policies to alleviate that burden. Burkina Faso had achieved great success in that area through the introduction of new technologies and techniques. Under the traditional division of labour, the care of children and old people was entrusted to women; with rising life expectancy, the work which that entailed for women would increase. She asked whether the Government was conducting awareness and information campaigns about the equitable sharing of

domestic tasks and responsibilities; such campaigns had been very successful in Burkina Faso.

Article 15

27. Ms. HARTONO asked whether married women could sue and be sued in their own right, or whether they had to be assisted by their husbands or other male family members. Following the amendment of the Deeds Registries Act in 1991, were women actually able to own property in their own right? If women were still expected to pay for legal representation, difficulties could arise.

28. The free legal advice centre run by the Law Society of Zimbabwe was of limited value if it merely provided advice and assisted in the drafting of legal documents. She asked why the Law Society had no department to assist women, particularly poor women, in going to court. Was it possible for a woman to go to the Legal Aid and Law Promotion Section of the Ministry of Justice, Legal and Parliamentary Affairs without the knowledge or assistance of her husband, father or brother, particularly since she might have a complaint against a family member? It needed to be determined whether, in practice, women had the same rights as men.

29. The same considerations applied to land ownership, which was very important in terms of giving women control over their lives and property. Since it was reported that rural women did not have much access to and control over land, she asked what measures were being taken to improve the situation.

Article 16

30. Ms. HARTONO said that there appeared to be an old custom that widows were expected to marry a member of their dead husband's family or stay within that family; that practice was contrary to the Convention. As in other countries, if laws were in place but society did not change, the situation of women would remain the same or deteriorate further. She asked what was being done to promote social change in Zimbabwe.

31. Since many common law marriages were not registered, women and children were not protected by the relevant laws. What measures were being taken to remedy that situation?

32. Ms. BERNARD said that, according to the report, a victim of domestic violence could apply to a court for a peace order. Since there appeared to be no formal domestic violence act, under what law could a peace order be obtained? Had the Government considered drafting legislation that dealt exclusively with domestic violence and consolidated existing laws in that regard? The difficulty of assessing the incidence of domestic violence was common to every country. Had there been any attempt to consider the extent of the problem and to keep statistics? Were there any refuges or shelters for women who were physically abused by their husbands?

33. Ms. Lesabe and Mr. Zamchiya (Zimbabwe) withdrew.

Report of the pre-session working group (CEDAW/C/1998/1/CRP.1 and Adds.1-4)

34. Ms. CORTI, speaking as chairperson of the pre-session working group, said that, for the first time, the working group had invited representatives of specialized agencies and international and national non-governmental organizations to provide it with information on the States parties under review. As a result, it had gained valuable additional information. The working group suggested that that practice should be continued at future sessions.

35. The working group had produced a brief overview of the situation of women in the four countries concerned. It had noted that the reports in question suggested that women continued to face persistent discrimination and difficulties in the context of employment, which was becoming increasingly precarious. Few gains had been made where women's representation in decision-making was concerned, while forms of violence against women and sexual exploitation were growing problems, with countries failing to introduce energetic preventive measures in that context. The working group had been of the view that trafficking in women had escalated, in part as a result of the growing influence of globalization and the emergence of more flexible borders. Factors including structural adjustment policies, privatization and economic crises had contributed to the growing phenomenon of feminization of poverty and the difficulties faced by poor women in gaining access to elementary social rights, including health and education. The working group had also noted the prevalence of cultural values that impeded the implementation of the Convention and the growing use of religions and traditions as excuses to impede measures designed to advance the status of women.

36. Ms. BUSTELO GARCIA DEL REAL said that it should be noted in the Committee's report that the pre-session working group's initiative of inviting non-governmental organizations and specialized agencies to provide information on the reports to be taken up had been considered a positive initiative which should be followed at future sessions.

37. The CHAIRPERSON said she took it that the Committee wished to adopt the report of the pre-session working group (CEDAW/C/1998/1/CRP.1 and Adds.1-4).

38. It was so decided.

The meeting rose at 5 p.m.